SENATE—*Tuesday, March 17, 1998*

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

PRAYER

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

Almighty God, I pray for Your supernatural strength for the women and men of this Senate, their families and their staffs. Bless them with a fresh flow of Your strength—strength to think clearly, serve creatively, and endure consistently; strength to fill up diminished human resources; silent strength that flows from Your limitless source, quietly filling them with artesian power. You never ask us to do more than You will provide the strength to accomplish. So make us river beds for the flow of Your creative Spirit. Fill this day with unexpected surprises of Your grace. Be Lord of every conversation, the unseen Guest at every meeting and the Guide of every decision.

Gracious Lord, on this Saint Patrick's Day, we remember the words with which he began his days. "I arise today, through God's might to uphold me, God's wisdom to guide me, God's eye to look before me, God's ear to hear me, God's hand to guard me, God's way to lie before me and God's shield to protect me." Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. HAGEL. Mr. President, this morning the Senate will debate the cloture motion relative to the motion to proceed to H.R. 2646, the A+ education bill, under Senator COVERDELL's amendment until 12:15 p.m., with the first hour under the control of Senator DASCHLE and the second hour under the control of Senator COVERDELL. As previously ordered, at 12:15 the Senate will conduct a cloture vote on the motion to proceed to the A+ education bill.

Following that vote, the Senate will recess for the weekly party caucuses to meet. When the Senate reconvenes at 2:15, there will be an immediate vote on the confirmation of Susan Graber to be U.S. circuit judge in Oregon. In addition, if cloture is invoked on the previously mentioned motion to proceed to H.R. 2646, the Senate will begin 30 hours of debate on the motion to proceed following the judicial vote. Also, the Senate may consider S. 414, the international shipping bill, S. 270, the Texas low-level radioactive waste bill and other legislative or executive business cleared for Senate action. Therefore, Members can anticipate rollcall votes throughout today's session of the Senate.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:15 p.m. with the first hour to be under the control of the Democratic leader or his designee and with the second hour to be under the control of the Senator from Georgia (Mr. COVERDELL), or his designee.

GRATITUDE TO SENATOR MCCAIN

Mr. HAGEL. Mr. President, I wish to take a moment to call attention to a significant day in our Nation's history. Not only is this St. Patrick's Day, but it was 25 years ago today, St. Patrick's Day, March 17, 1973, that our friend and colleague, Senator JOHN MCCAIN, was released from the Hanoi Hilton. Senator MCCAIN was shot down over Vietnam on October 26, 1967, and spent almost 6 years in a North Vietnamese prison. Most of that time was in solitary confinement.

It is appropriate today that we not only recognize that 25-year anniversary of Senator MCCAIN, but recognize the leadership, the inspiration and what he has meant to this country. In a day when I know many people sometimes question whether values do count and standards and expectations do count, our colleague, our friend, Senator MCCAIN, is an embodiment to what is best in this country, what has always been best, and what always will be important—that is loyalty and commitment to your country, that is dedication, it is values and standards, it is having high expectations in oneself.

It is a rather unique example of how someone has been able to take the experience that he has had and harness that energy and focus that energy for something very positive for this country and to help make this world better. That is Senator JOHN MCCAIN.

This morning, some of our colleagues—I see one on the floor, our friend, Senator CLELAND from Georgia, who, too, gave so much to his country in the Vietnam war—recognized JOHN MCCAIN in a surprise visit to his office at 9:15. One of the things that we gave him was a United States Navy A–4 jet fighter ejection seat. I reminded him when he came to campaign for me in 1996, as we flew across Nebraska in a small plane, one of the copilots said, "Now, let me explain to you how you get out of this plane if you need to," and I interrupted this young pilot by saying, "Senator MCCAIN never uses the door, he gets out another way." As that young pilot went up into the cockpit, the other pilot said, "You dummy, that is Senator MCCAIN. Don't you know the story how he ejected and crash landed and did these incredible things?" We reminisced about that this morning and then presented Senator MCCAIN an actual A–4 ejection seat. I don't know what he does with that, but a couple of old infantry men like Senator CLELAND and I were out of our league dealing with the ejection seats and we didn't go near that seat.

Suffice it to say that this Nation owes Senator MCCAIN and all the POWs a great debt. We recognize their service, their commitment, their loyalty, but mostly we recognize their leadership and what they have meant to us when times are tough and when we dig down deep in our society and we look for standards and leadership and commitment and role models. Mr. President, that role model is JOHN MCCAIN.

I yield the floor.

Mr. CLELAND. I associate myself, first of all, Mr. President, with the marvelous remarks from the Senator from Nebraska. He is a distinguished Vietnam veteran himself. It was a wonderful experience to be with Senator MCCAIN, Senator HAGEL and Senator KERREY this morning—all of us Vietnam veterans.

It was a marvelous experience to be there with Senator JOHN MCCAIN as he celebrated his 25th homecoming "back to the world" as we used to call this country, when we were in Southeast Asia. Senator HAGEL has spoken eloquently, and I associate my remarks with his. I hope that Senator MCCAIN won't be ejected from the Senate for many, many years to come.

Mr. President, I ask unanimous consent for 15 minutes of the time allocated to Senator DASCHLE.

The PRESIDING OFFICER. The Senator has that right to be recognized for 15 minutes.

THE IRAQI CRISIS: WALKING SOFTLY AND CARRYING A BIG STICK

Mr. CLELAND. Mr. President, just a short time ago, the Senate was prepared to consider, and likely to adopt, a resolution granting the President

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

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largely unlimited authority "to take all necessary and appropriate actions" to respond to the threat posed by Iraq's refusal to end its weapons of mass destruction programs. After some of us raised concerns about the echoes of Tonkin Gulf in that original wording, we were then prepared to endorse a measure which constrained that authority by requiring that it be "in consultation with Congress and consistent with the U.S. Constitution and laws."

Some of us were prepared to stand behind this language, and its endorsement of the President's policy determinations which we generally believed would culminate in air strikes by American forces against Iraq, though no one, including the President, believed that such strikes would necessarily accomplish our principle objective of removing Saddam Hussein's arsenal of biological, chemical and nuclear weapons.

We then were presented with a diplomatic solution of the crisis negotiated by U.N. Secretary-General Annan that offered the prospect of achieving our principle goal in a way which strikes from the air could not possibly have done. It empowered UN inspectors on the ground in Iraq to more fully investigate and destroy Iraq's weapons of mass destruction. The President has, in my view, taken the correct approach. He welcomes the agreement as representing a solution to the current problem, while immediately seeking to test and verify Iraqi compliance. He reserves our ability to take such other action as may be necessary if the agreement proves inadequate. Let me say clearly that this outcome is a good deal for the United States, the people of Iraq, the entire region and for international security. It is especially a good deal for the thousands of American families who have loved ones on guard right now for us in the Persian Gulf.

There is no more awesome responsibility facing us as members of the United States Senate than the decision to authorize the use of American military power. Such action puts America's finest, its servicemen and women, in harm's way. This basic fact was driven home to me as I reviewed the following press reports from my home state of Georgia over the past few weeks:

From the February 12 Valdosta Daily Times:

> Troops from south Georgia's Moody Air Force Base departed for the Persian Gulf today. Up to 3,000 soldiers from Ft. Stewart are expected to follow soon. About 80 Air Force rescue personnel from the base near Valdosta departed just after 7 AM along with two HC–130s, which refuel rescue helicopters, drop para-rescue jumpers to assist in operations and deploy equipment for rescue operations. . .

From the February 12 Augusta Chronicle:

> As tensions mount in Iraq, some Fort Gordon troops are preparing for possible deployment in the Middle East, and the 513th Military Intelligence Brigade is poised to provide intelligence support for military operations there. . .

From the February 13 Macon Telegraph:

> Base workers loaded a C–5 cargo plane with communications equipment Thursday afternoon as 30 members of the 5th Combat Communications Group prepared to fly to the Persian Gulf area about 6 a.m. today. The communications group, commonly known as the 5th MOB, primarily is responsible for establishing communications and air-traffic-control systems for military operations. . .

From the February 18 Savannah Morning News:

> 3rd Infantry Division (Mechanized) soldiers like Spc. Shane Rollins of the 3rd Battalion, 69th Armor Regiment, had little time to relax as they prepared for a deployment to the Middle East. In less than a week, Rollins and nearly 3,000 other Fort Stewart soldiers will be in Kuwait.

And from the February 22 Columbus Ledger-Enquirer:

> As about 200 Fort Benning troops left Saturday for a possible confrontation with Iraq, Acting Army Secretary Robert Walker said the decision to send more troops from the post hinges on what Iraqi leader Saddam Hussein does next.

Such scenes have been repeated all over America in recent weeks, and underscore the human consequences of our policy deliberations in this chamber. Before discussing those important questions with which this body must grapple in fulfilling its Constitutional role, we must always be mindful of the young men and women who will risk more than their reputations in carrying out the policies we approve.

A LITTLE HISTORY

Karl Von Clausewitz, the great German theoretician on war, once wrote,

> War is not merely a political act but a real political instrument, a continuation of political intercourse, carrying out of the same by other means.

In August of 1990, Saddam Hussein tried to accomplish by war what he could not achieve by other means. Iraqi forces invaded Kuwait. This came just two years after the conclusion of the eight-year Iran-Iraq War, a terrible conflict in which Saddam Hussein used chemical weapons. The war left 600,000 Iranians and 400,000 Iraqis dead.

After months of fruitless negotiations and after a huge U.S. and allied military build-up in the region, in January of 1991 President Bush was granted authority by Congress to use force to compel Iraqi withdrawal from Kuwait. The resulting Persian Gulf War lasted 44 days, and the U.S.-lead forces achieved the primary mission of evicting Iraqi forces from Kuwait. In the process, the United States crippled Iraqi defense forces, and in the words of Lt. General Tom Kelly, "Iraq went from the fourth-largest army in the world to the second-largest army in Iraq."

All along, the U.S. goal was to compel Iraqi compliance with U.N. Security Council resolutions calling for Iraqi withdrawal from Kuwait. Destruction of Iraq's weapons of mass destruction, and in particular its nuclear weapons program, was only a secondary goal. It was only discoveries made during and after the Gulf War of greater than anticipated Iraqi capability for deploying chemical and biological weapons, in addition to nuclear weapons, which elevated the destruction of these capabilities to a key aim of American policy.

After the cease fire which ended the 1991 war, the U.N. Security Council established the U.N. Special Commission, or UNSCOM, to investigate, monitor and destroy Iraq's weapons of mass destruction capability, including its delivery systems.

Over the past 6 years, UNSCOM has been doing yeoman's work in fulfilling this task by destroying more Iraqi chemical weaponry than was accomplished in the Gulf War itself. Late last year, Saddam Hussein began denying UNSCOM the ability to inspect key Iraqi facilities where production and processing of weapons of mass destruction materials was suspected to be taking place.

Since then, the United States, our allies and the U.N., have been working around the clock to win access to Iraqi sites in compliance with U.N. Resolution 687, which calls for the dismantling of Iraq's weapons of mass destruction capability.

PERMISSION CREEP

A few weeks ago, I raised concerns regarding the original version of the Senate resolution which, though not sought by President Clinton, would have given the President largely unlimited authority to use whatever force he deemed necessary to accomplish this objective. I was concerned that the original resolution was overly broad. I did not think it was appropriate to grant such authority on the monumental issue of war and peace without the Congress being thoroughly consulted about the President's plans and justifications.

I was concerned about "Permission Creep." Permission Creep is when Congress grants the President broad powers in the glow of victory without thinking about the long term consequences of granting such authority. Of course, the reverse is also true. Whenever the United States suffers a defeat, the Congress is swift to limit presidential authority.

Prior to the Vietnam War, President Johnson reported that as a result of military tensions in the Gulf of Tonkin he had ordered a strike against certain North Vietnamese naval targets and oil reserves. In the glow of the victory of this air strike, the Congress passed the infamous Gulf of Tonkin Resolution that approved the President's taking "all necessary measures" to repulse an armed attack against U.S. forces and

to assist South Vietnam in the defense of its freedom. It is reported that President Johnson compared the resolution to "grandma's nightshirt—it covered everything."

Of course, we all know the history of Vietnam—a history we are so carefully trying to avoid repeating. We gave the U.S. military extremely difficult and complex missions. We asked it to prosecute a war against a seasoned and highly motivated opponent while simultaneously engaging in "nation building" in South Vietnam. At the same time, we did not give the military the latitude to win. Political leaders micro-managed the Vietnam War, and we did not use decisive force. Of course, in the aftermath, the Congress saw fit to reign in the President's authority to commit U.S. troops in harms way when it passed the War Powers Resolution in the early 1970s.

A more immediate example of "Permission Creep" is the 1991 Defense Authorization Act. Again, in the glow of victory in the Gulf War, the Congress expressed its approval for the "use of all necessary means" to achieve the goals of U.N. Resolution 687. That is where we stand today. This authority exists as a result of the initial joint resolution passed by Congress in January 1991 authorizing the use of force to compel Iraqi compliance with the relevant U.N. resolutions of the time, particularly with respect to the withdrawal of Iraqi forces from Kuwait. This authority was later extended to cover U.N. Security Council Resolution 687 which established the U.N. Special Commission whose function is to uncover and dismantle Iraq's weapons of mass destruction.

The Defense Authorization Act for Fiscal Year 1992 states specifically that it was the sense of Congress that:

"The Congress supports the use of all necessary means to achieve the goals of Security Council Resolution 687 as being consistent with the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102-1)."

I appreciate the fact that some interpret this as being non-binding, even though it was passed by both houses of Congress and presented to the President as part of the Defense Authorization Act. And, though some contend that these expressions of Congressional will are no longer in effect, in the absence of formal action to rescind or terminate these non-time limited authorizations, I am led to the conclusion that the President continues to have all the authority he needs to use military force against Iraq pursuant to our laws and relevant U.N. Security Council resolutions. The real question is whether or not he should! I for one am glad that President Clinton showed restraint in the most recent confrontation with Iraq.

I see signs that some are already viewing the President's acceptance of the diplomatic agreement as somehow a defeat. I do not share that view! In the words of U.N. Secretary-General Annan, I think America showed, "resolve on substance and flexibility on form." To paraphrase President Teddy Roosevelt, in the recent Iraq crisis this nation, "walked softly and carried a big stick."

THE SENATE DEBATE

Whatever happens from this point, I am pleased that our deliberations on the details of the Senate resolution led to closer consultation between the Administration and the Congress, and to a more informed and thoughtful consideration of the policy choices before us. The current diplomatic solution offers us a great opportunity to debate our policy in the Persian Gulf. I welcome that opportunity.

I know some are concerned about whether this debate sends the wrong message to the world about American resolve. If I were able to address Saddam Hussein today, I would say the following words:

"The future is up to you. If there is to be light at the end of the tunnel for you and the Iraqi people, it is your decision. Because America walked softly during this crisis, consulted with our allies, and chose a diplomatic solution does not mean the willingness of the President and the Congress to use the big stick has gone away."

As for the U.S. troops stationed abroad listening to this debate, as I listened thirty years ago when the U.S. Senate debated the Tet Offensive, the Siege of Khe Sahn, and the future of the Vietnam War, I say this: "Your country is the oldest constitutional democracy in the world. As such, we all have a right to express our views openly and honestly about the most important act of that democracy—sending you into harm's way. You are America's finest. We are all proud of your service. If called upon to conduct military action, I know you will do your duty. We are with you all the way. You will be in our thoughts and prayers until you return safely home."

WHAT IS THE NATIONAL INTEREST?

My first question in the debate on Persian Gulf policy is: "What vital national interests do we have at stake?" In answering this question, the President and the Congress together must determine what responsibilities should be shared by other nations which also have vital interests involved. In some cases those interests are more vital than our own!

I believe that we do have a number of vital national interests in the Persian Gulf region, including:

Fighting the spread of chemical, biological and nuclear weapons around the world;

Promoting stability in an area where Iraq shares borders with: Saudi Arabia, Kuwait, Iran and Syria, all potential flashpoints on the world scene; Turkey, an important U.S. ally; and Jordan, historically a key moderating force in the region;

Securing access to the region's oil supplies, which account for 26 percent of world oil stocks, and 65 percent of global oil reserves; and

Building regional support for the Middle East peace process between Israel and its neighbors.

I would stress that these interests will remain regardless of whether or not Saddam Hussein is still in power. For example, Saddam is not the only problem with respect to weapons of mass destruction even in the Persian Gulf region itself. With respect to stability, it is very possible that if Saddam suddenly vanishes from the scene, the situation, at least in the short run, will worsen, with particular instability along the Turkey-Iraq and Iran-Iraq borders.

Along these same lines, I believe we must take a hard look at how containment of Iraq is related to the achievement of our vital national interests, which, as just noted, are basically regional in nature. On weapons of mass destruction, for example, the nation of Iran poses a similar challenge. In terms of access to oil supplies, while Saudi Arabia supplies over half of all Persian Gulf oil exports (and 85 percent of U.S. oil imports from the region), even before the Gulf War Iraq accounted for a much smaller portion of Persian Gulf oil production. With sanctions now in place, Iraq's contribution to global oil supplies is minimal. The point is, while we must not underestimate the threat posed by Saddam Hussein, and especially by his willingness to use weapons of mass destruction, we must be careful to not overestimate the role of Iraq and thereby get preoccupied with that nation to the detriment of focusing on our vital regional and global interests.

Another matter which begs an answer is the question of sustainability, of our capacity to maintain our policies, not only now but also well into the future. For example, on the military front, are we going to require deployments for months and years rather than just days and weeks?

There is also the question of consistency—the extent to which our policy choices in pursuit of one national interest objective do not hamper the achievement of other vital objectives. For example, we need to take into account what impact each of the diplomatic and military options designed to contain Saddam Hussein's chemical and biological weapons programs are likely to have on other vital American interests such as our encouragement of Russia to continue forward with ratification and implementation of START II, and other arms control agreements.

On a more specific matter of military policy, I feel we need to take a long, hard look at our current force deployment strategy. Before we get to the

point of committing our servicemen and women, we must certainly determine if we have an appropriate military mission which can only be accomplished by military means. Once such a determination is made, we must provide our forces with sufficient resources, and clear and concise rules of engagement to get the job done.

The distinguished Senator from Kansas, Senator ROBERTS, made a very fine and thoughtful address to the Senate the other day. He cited the following quotation from one of my personal heroes, Senator Richard B. Russell, from thirty years ago during the War in Viet Nam. At that time I was serving in that war. Senator Russell said:

> While it is a sound policy to have limited objectives, we should not expose our men to unnecessary hazards to life and limb in pursuing them. As for me, my fellow Americans, I shall never knowingly support a policy of sending even a single American boy overseas to risk his life in combat unless the entire civilian population and wealth of our country—all that we have and all that we are—is to bear a commensurate responsibility in giving him the fullest support and protection of which we are capable.

As part of our effort to produce an effective long-term policy for dealing with Iraq and Saddam Hussein we must also ask the question about appropriate burden-sharing among all of the nations, including the United States, which have vital interests in the area. It should be the long-term aim of our policies that the American people should not be asked to alone shoulder the costs, whether in terms of financial expenses, potential military casualties or diplomatic fallout, of pursuing objectives whose benefits will not be realized exclusively, or in some cases, even primarily, by the United States. To cite but one example of the kind of calculations I have in mind here, while the Persian Gulf accounts for 19% of U.S. oil imports, that region provides 44% of Western Europe's oil imports and fully 70% of Japan's.

In posing these questions regarding our long-term policy toward Iraq, and arriving at my own answers to them, I am led to make the following conclusions.

First, the best, and perhaps the only, way to secure our vital interests of curbing the spread of weapons of mass destruction and preventing Saddam Hussein from developing the capacity to threaten neighboring countries is through a continuation of people on the ground. In this case right now, the people on the ground are the UNSCOM inspections. It is these inspections, and not any conceivable military option, short of an all out invasion and occupation of Iraq, which can locate, identify, and destroy, or at least impede Iraq's development of chemical, biological and nuclear weapons.

Second, in order to secure our national interests, we should place a priority on international coalition building for peace and security in the Persian Gulf. Not only is such an exercise called for in order to insure that American soldiers and American taxpayers are not asked to bear a disproportionate share of the burden in confronting the mainly regional threat posed by Saddam Hussein, but also it is essential to achieving our policy goals—anti-proliferation and regional stability.

Third, in order to aid both weapons inspection and coalition-building, we should be prepared to re-examine our approach to sanctions policy. We should not follow an approach which isolates us from our allies in the region or elsewhere, nor which makes us the villain in the minds of the Iraqi people and its future leaders. In other words, just as I don't want us to pay a disproportionate economic cost, neither should we have to alone bear the diplomatic costs of containing Saddam Hussein. While I certainly do not call for an end to economic sanctions against Iraq, and indeed I believe the international community will need to find a mechanism to secure long-term leverage to maintain adequate surveillance of Iraq's weapons-building programs, I believe that we should work with our allies to develop a comprehensive, long-term approach with respect to sanctions, with graduated modifications geared to concrete Iraqi actions.

Finally, consistent with my view that we are currently paying more than our share of the financial and political costs of dealing with Saddam Hussein, I believe that, in the long run, we should phase-down our military presence in the Persian Gulf. While we do have important national interests in the region, these interests are neither our's alone nor are they our only national interests. The over-extension of American troop and naval deployments in the Persian Gulf compromises our ability to sustain commitments in the Mediterranean, on the Korean Peninsula, in the Balkans and elsewhere.

In short, I don't want the United States to pursue policies which might win the battle against Saddam Hussein but lose the larger war of securing our vital interests throughout the Persian Gulf and around the globe, now and into the future. We should continue to carry the big stick, but build our coalition stronger to do it and not fail to walk softly as the situation requires.

Mr. President, I look forward to continuing this debate on these and related matters in the weeks and months ahead.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERRY. 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. KERRY. Mr. President, it is my understanding that at 11 o'clock Members from the other side of the aisle will be coming in. I think the moment is close to that. I do not have that long a presentation, but I ask unanimous consent that I be permitted to proceed for such time as I need, which will not be very long.

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

Mr. KERRY. I thank the Chair.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

Mr. KERRY. Mr. President, there is an enormous amount of rhetoric today at many different levels of Government about education. There is also a lot of good, genuine effort in many States, literally, as well as here at the national level, to try to address some of the very real questions about education.

What is clear to me, though, and I think to other Members, is that there is still an enormous gap between the reality of what is happening in many of our schools and those things we are choosing to do at the national level. It seems clear to almost everybody who talks about education that nothing is more important than providing the children of America a system with opportunity that is second to nobody in the world. But as the test scores and other aspects of our education system are indicating, we really lag way behind the full measure of the ability that we have as a country to do that. We are failing too many of our children today. We have too many crumbling schools. We have too many overcrowded classrooms. We have too many inadequately prepared teachers. And, regrettably, the bill on which we will be voting on a motion to proceed later this morning, while I think it has good intentions and even some good components that, if they were part of a larger effort, might make sense, simply does not do anything to address the fundamental problems that we have in the country. Perhaps I should amend that. I guess it is not fair to say it doesn't do anything. It certainly puts money in the hands of a certain group of people, and for them there is a benefit. So you cannot say it doesn't do anything. But the question you have to ask is, is that the first place we ought to begin with some kind of Band-Aid solution to a much larger problem? And is that the solution that the U.S. Senate ought to adopt in a free-standing effort?

I respectfully suggest to my colleagues that as legitimate as the fundamental concept of some kind of savings account might be, this particular bill, this particular set-aside, this particular savings account, does an injustice to the rest of the education needs

of the country, and it also serves those people who are already doing pretty well and not those in need or for whom there is a much more serious set of remedies needed. In many ways what the Senator from Georgia is proposing could wind up inadvertently making things far worse for the overall educational system.

I want to make it clear, and I will be trying to do this more and more in the next weeks, that I think there are some enormous fundamental flaws in the educational system of the country. Notwithstanding 20 years of discussions in various national fora that have brought the governments together with Presidents and otherwise, and notwithstanding all of the outside reports that have been commissioned with respect to our education system, the truth is that today the system continues to implode, almost.

Also, notwithstanding the remarkable efforts of individual teachers and individual schools, the fact is there are more and more poor young people in America, there are more and more pressures on the education system, and there are more and more difficulties that teachers need to deal with and principals need to deal with, particularly in inner cities and also in some rural areas. Our schools are attempting to do what no other school system on the face of the planet attempts to do, which is to bring so many different people of different languages and different cultures and different races together under one roof, too often with total inadequacy of resources and structure.

I don't think it's that hard, frankly, to analyze what is wrong. What appears to be hard is the building of a consensus, a coalition that is willing to tackle the things that we know are wrong. I will also be saying a lot more about that in the days ahead.

But the problem with the Coverdell bill is what we really need is an overall approach that deals with the problems where 90 percent of our children are being educated. Mr. President, 90 percent of America's children are in the public school system. What we are witnessing in the Coverdell bill is an approach that drains away from that 90 percent a certain amount of the existing support and permits those people who get the benefit of the money that is drained away to be able to do what they want with it. That is a very nice idea. I do not object, as I say, in principle, to allowing people to have choice within the education system, and also to have some choices about the quality of where they are going to send their kids to school. But the Coverdell bill expands the tax-free education savings accounts to a level, $2,000 a year, replacing the current $500 cap, which would also expand the allowable use of those funds for education expenses for public, private, and religious schools, which obviously raises another subset of questions. But the great majority of families—and here is the most important point—the great majority of families would get little or no tax break from this legislation.

We have to ask ourselves some tough questions as we make some choices here in the Senate and in the budget process about where we spend our money. I do not think it's that tough a choice to ask what is the justification for providing 70 percent of the benefits of this effort to families in the top 20 percent of income in America? I do not understand that. We know we are creating more poor people. We know the public schools that are hurting the most are the public schools where there is the least amount of property tax base. We know the public schools that are hurting are schools where they do not have enough money to pay teachers enough or they do not have enough money to put the computers in or enough money to fix roofs that are leaking or to have air-conditioning so kids have a decent environment to learn in, or even to have some of the important programs that ought to be part of learning—whether it's sports or music or a new science laboratory or art. These are all things that have been cut in recent years, and predominantly cut in those school districts that cannot afford to keep them because they do not have the tax base.

So what are we doing? We are going to talk about turning around and giving 70 percent of revenue that we are going to give up, $1.6 billion we are going to give up, in order that people in the top 20 percent of income-earners in America can do better. When you are asking Americans to tighten their belts, and you are asking Americans to come together around notions of fundamental fairness, it is pretty hard to say to them that in the midst of some of the chaos that we see in the public education system, the first thing we are going to do is turn around and allow the people who are doing the best in America to take the most amount of money from our first effort.

The fact is people earning less than $50,000 would get an average tax cut of only $2.50 from this legislation. How do you justify that? There is not a Senator here who does not come to the floor at one time or another and talk about the problems of youth in America, the problems of illegitimacy, of births out of wedlock, the problems of kids who have no place to go after school, of kids who wind up smoking cigarettes or doing drugs and getting into trouble. We spend billions of dollars every year in order to address those after the fact, and here we are about to consider a piece of legislation that suggests that we ought to take the money out of the current expenditure that we put in the Federal level and give it to people who are earning the most money in America, a $1.6 billion price tag over the next 10 years.

The Joint Committee on Taxation has found that half of the benefits would go to the 7 percent of families with children in private schools—half of the benefits of the $1.6 billion will go to the children and their families who are already in private schools. You know, it's one thing to criticize our public schools; it's another to suggest that they are responsible for their own faults when they depend upon the public dollar. If we take the public dollar away from them and then we turn around and just criticize them, it seems to me we are building the capacity for failure into the system.

As I said before the Senator who proposed this came to the floor, I think there are merits in the concept of a savings program. I am perfectly happy to embrace a legitimate effort to create a private savings capacity to encourage people to be able to put money away to send their kids to school. That is a legitimate goal. But surely we have the ability to do it in a way that spreads the benefit more evenly across the need in this country. You simply cannot ignore as the country has been getting richer and richer in the last 10 or 15 years, we have more and more poor people, particularly poor children. The number of poor children in America is going up, as is the number of children in need within our inner cities who deserve equally as good an opportunity at a decent school as the kids of these other parents, and they ought to get one. So I am perfectly prepared to embrace the concept, but I want to do it in a way that is part of an overall effort that suggests that we understand the larger question of what our public education system needs.

We Democrats would like to be able to propose a substitute and some alternatives that would help the vast majority of working families. Our bill would provide tax credits to subsidize school modernization bonds to enable States and local public school districts to provide safe and modern schools that are well-equipped in order to provide students with educations for the 21st century. One-half of the funds in our bill would be targeted to schools with the greatest number of low-income children, and States would be permitted to decide where to distribute the remaining half of those funds. Our bill would help more than 5,000 schools modernize so we can reduce class size and provide a safer environment.

Let's be honest. It is not hard to figure out why so many parents are looking for an alternative to some of the public schools. I am a parent. I have two kids who we chose, ultimately, not to send to a public school because we did not have confidence, as a lot of parents do not, for one reason or another. I regret that. I actually moved where I moved with the hopes that we would send them to the public school system.

You know, all of us are faced with this choice. Probably too many of us in the U.S. Senate who have had kids have opted for something else, and we have been able to do that. That, frankly, increases the burden on us, not decreases it. It increases the burden on us to understand what most American parents are thinking as they make choices about their kids.

So, today, people are voting with their feet. They are voting with their feet. They want vouchers; they want charter schools; they are even opting for home teaching.

Mr. COVERDELL. Mr. President, will the Senator yield for a question? Just a logistical matter?

Mr. KERRY. Absolutely. I suggested I would wrap up quickly when Senators came to the floor, and I will do that right now.

What I am saying is it is obvious to me and many others that you cannot go on with the current model of what is happening in our public school system. It is absolutely clear to me that we need greater accountability. In many States people are working to do that through testing, through standards, through teacher standards, new qualifications—a whole set of things that I, again, will talk about at another time.

The bottom line is that you cannot come here and not recognize that there is no way, even if you embrace charter schools, that you could create enough charter schools fast enough to save a generation. The fact is that 90 percent of our kids are in a system that provided the generation that brought us through World War I and World War II, that created the greatness of this country during the course of this century. I can take Senators to any number of schools, as they could go to in their own States, that are wonderful public schools, that work. They work because they have great principals, great teachers, great resources, and a great commitment from parents. And they are accountable. Then we can go to pure disasters in other parts of all of our States.

What we ought to do is come to the floor with a responsible effort that tries to address how we are going to provide the structure and the resources to deal with the problem schools while not pulling the rug out from under those schools that work. That is why I think it is so important to look for an alternative, or at least work out some kind of compromise to what the Senator from Georgia is proposing.

I thank my colleague for his courtesy, and I yield the floor.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Georgia.

Let me say to the Senator, under the previous order the Senator now has 1 hour, even though it will extend beyond 12 o'clock.

Mr. COVERDELL. Thank you very much, Mr. President. I do want to point out with regard to the remarks made by the good Senator from Massachusetts, that what we are debating here theoretically is not even the merits of the legislation. The other side is filibustering. This is an outrageous filibuster that is designed to prohibit us from ever getting to the legislation. The other side has organized. The motion being debated is the motion made by the majority leader to bring the bill to the floor, and the other side is filibustering that. The comments that the Senator from Massachusetts made about their version and wanting to have an opportunity to discuss it and debate it is blocked, not by us, but by their filibuster. In fact, in the original unanimous consent request, the majority leader offered the other side an opportunity to bring their version to the floor as a substitute or as an amendment and we would have a full and open debate about the merits of these proposals. So it is important that everybody understand. This is a little bit disingenuous because the other side is trying to keep us from even getting to the legislation. It is the ultimate example of defense of the status quo.

The Senator from Massachusetts took issue with the status quo. But we cannot deal with the status quo, or improve it—whether it is their version or ours—if they will continue to disallow our ability to bring the legislation to the floor.

The Senator referred to one component of our proposal, an education savings account, for which any family is eligible, that somehow in their mind, or in his mind, was not attentive enough to the poor. I want to point out to the Senator and to the other side that the criterion by which our savings account is created is identical. I repeat: It is identical to the savings account that the President signed, with a great celebration and fanfare at the White House a year ago, or last fall, for a savings account for just higher education.

That savings account allowed a family to save $500 a year, just as ours, and it works identically to our account. So the criteria that was designed for the savings account that was signed into law last year is designed to push the vast resources of these savings accounts to people of middle income and lower.

Seventy percent of all the proceeds in all these savings accounts will go to families earning $75,000 or less. But the important point is that the governance rules of these savings accounts are the exact same rules that the other side embraced last fall in the tax relief proposal and that the President signed. There is no difference. That proposal was designed to make the account work toward middle class; this one is designed to accomplish the very same thing. So it is a smoke-screen issue to suggest that somehow the governance of this education savings account favors people of substantive means when the other one didn't and when they are identical, absolutely identical.

The only thing that is changed is that we have said that instead of $500 a year, you can save up to $2,000, and instead of it just applying to college needs, it should be eligible for kindergarten through high school. It seems pretty logical to just expand the usage of it. I will come back to what I consider deflecting arguments from what the real problem is on the other side a little bit later.

I yield up to 10 minutes to my good colleague from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Thank you, Mr. President. I rise in support of the cloture vote to proceed. The vote will take place in about an hour.

What is the answer to the basic question of why should we proceed? The answer is for our children. We can no longer defend the status quo. The Coverdell Parent and Student Savings Account Plus Act is our next step in improving education for our children for the next generation. I will just point out that it builds on the new education IRAs from the Taxpayer Relief Act, which were directed to higher education. Senator COVERDELL's proposal focuses on primary and secondary education.

Why is that important? The answer is that no longer is the status quo defensible in American education. I want to take a few minutes to share why I say that.

Over the last 6 months, I have had the opportunity to chair the Senate Budget Committee's Task Force on Education. In our hearings—a series of six hearings over the last 6 months—I have discovered several things: The current Federal establishment is so complex that it is difficult for even somebody from Government to come forward and say how many programs we have at the Federal level for education. I have learned that we have committed as a nation, as a people, as a U.S. Congress, substantial and growing resources to secondary and elementary education, but we have few proven good results to show for it. Our student performance is essentially flat over time. According to Secretary Riley, some of our schools "don't deserve to be called schools."

I have a few charts which depict why I say that we are not doing enough, and why we cannot defend the status quo.

The first question we might ask is, are we as a nation, as a society, spending enough money today, putting enough resources into primary and secondary education? That is a fairly subjective question to ask. What we can answer is, are we spending increasing amounts over time? And the answer to that is yes.

This first chart shows current expenditures per pupil in average daily attendance in public elementary and secondary schools. It goes from 1970 up to the current 1997 years. If you look at the green line in current dollars, it has gone from approximately $1,000 per pupil up to over $6,000 per pupil. If you apply that same curve to constant 1996–1997 dollars adjusting for inflation, we have gone from about $3,600 per pupil up to over $6,000, a 50-percent increase. Thus, over time, per pupil in today's dollars, we have increased spending about 50 percent per pupil.

That, I believe, reflects what actually is being discussed in the Budget Committee as we speak—where we are going to increase spending more per pupil, a willingness, a commitment on the part of the Congress and the American people to spend more, to put more resources in education.

I should point out that in 1997, we spent $36.6 billion on elementary and secondary education. It is important to note that the Federal spending of that amount is only about 7 percent. States and localities provide the rest.

A second question is, what is the Federal role in primary and secondary education? We asked that question. I will put up a fairly large chart that is very complicated. In our own office, we call this the "spider web" chart. This is the chart that was produced by the General Accounting Office (GAO). GAO brought this chart to us to explain to us the Federal role in primary and secondary education.

GAO basically took three areas—one is teachers, one is at-risk and delinquent youth and one is young children—to demonstrate the overlapping complexity. In fact, GAO's testimony that day was entitled "Multiple Programs and Lack of Data Raise Efficiency and Effectiveness Concerns." That title really describes this chart very well.

If we take one of these populations—the at-risk and delinquent youth, we can see, using this one example that there are 59 programs at the Department of Health and Human Services that are directed at this group; 7 are administered by the Department of Defense; 8 by the Department of Education; 4 by the Department of Housing and Urban Development; 9 by the Department of Labor; 22 by the Department of Justice; 3 by the Department of the Interior; 7 by the Department of Agriculture; 3 by the Department of Energy; 1 by the Department of Treasury; and 18 by various other agencies.

This chart around the border shows that there are 23 Federal departments and agencies administering these multiple Federal programs to just these three targeted groups. Again, it is unimportant to figure out right now for the purposes of our discussion today what each of these programs are doing. The point is, it is very complicated with a lot of overlap. Is there room for streamlining and simplification and innovation? I think yes.

Third question: With this bureaucracy and with this increased spending over time, how are we as a nation doing? What have our results been?

Just 3 weeks ago, on February 24, the last battery of TIMSS, which is the Third International Math and Science Study, was released. This test measures the achievement of students at the end of their last year in secondary school, that is the 12th grade in the United States. These latest trends reflect the downward trend in America vis-a-vis our international competition, our international counterparts.

I will go through several charts very quickly that summarize and demonstrate what Dr. Pat Forgione, the Commissioner of the National Center for Education Statistics, stated in his press release on the results. Let me quote him:

> Our most significant finding is that U.S. 12th grade students do not do well. When our graduating seniors are compared to the students graduating secondary school in other countries, our students rank near the bottom. This holds true in both science and math, and for both our typical and our top level students.

Secretary Riley said, "These results are entirely unacceptable."

This first chart shows in the field of general science knowledge where we as a nation stand. The scores are in the columns on the right. All of these countries on the left are nations with average scores significantly higher than the United States. The United States is in the second lower category. There were only two nations tested who did significantly worse than the United States in the general science knowledge.

You can see all the countries that did better: Sweden, the Netherlands, Iceland, Norway, Canada, New Zealand, Australia. This portion of the test measures skills "necessary for citizens in their daily life." We are right at the bottom.

Our next chart shows mathematics general knowledge achievement. The layout is the same. On the left are the countries which did better than the United States. We are at a level of 461. The average for all countries tested was 500. We are significantly below the average. Again, the Netherlands, Sweden, Denmark, Switzerland, Iceland, Norway, in terms of mathematics general knowledge do better than the United States. Again, this is measuring what citizens need to know in daily life. Only two countries did worse than us, Cypress and South Africa.

Some people say, "That may be true, but is it a dumbing down or does our lower level pull the median down?" To answer that question, unfortunately, I turn to the next chart. We look just at advanced science students, just our very best compared to the very best in other countries to answer that fundamental question of whether or not the bottom rung brings our median down.

For a long time, we thought our very best were better than the very best from other countries. Unfortunately, it is just not true. Again, the layout is just the same. These are nations with average scores higher than the United States. This is the average physics performance of the advanced science students. Again, you can see that we are at the bottom of the rung of the ladder. In fact, there are no nations—no nations—that did worse than our best students in this competition.

Clearly, we are doing poorly when we compare ourselves internationally. But then let's go back and say, "Well, are we doing better than we did 20 years ago?"

We see we are spending 50 percent more per pupil. Are we doing better? Is the payout for our investment real? What is the return?

Unfortunately, this next chart, again 1970 to 1996, shows the data. In spite of increased spending and lower class sizes, the trends are completely flat. The red is 9-year-olds, the blue is 13-year-olds, the green is 17-year-olds. These are the trends in reading on this first chart.

The bottom line is that we have seen no improvement whatsoever in the last 20 years. The next chart shows in the field of science, once again, the average science scale scores for our Nation over time in control testing is completely flat—flat line, very little return on our investment.

I think this argues that we can't defend the status quo. We can't have bills filibustered which are innovative, which are creative, which inject that creativity and innovation in our system today, because the status quo is simply unacceptable.

Access has improved over time. In 1900, only 6 percent of American students graduated from high school. In 1967, 50 percent of the population finished high school. Today, completing high school is nearly a universal phenomenon with 94 percent of America's youth completing high school, although many not on time. So access has greatly improved; quality has not improved.

The Coverdell Parent and Student Savings Account Plus Act is not the cure-all. We recognize it is not the cure-all, but it is our next step in improving education in this country. It empowers the parent-child team, it encourages savings for education, it recognizes that the status quo is not sufficient in preparing our children for the future, and it encourages innovation and new ideas.

In closing, I urge my colleagues to allow this bill to come to the floor to be debated and voted upon. I urge its support and look forward to defending this bill as our next best step in reforming education in our country.

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

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I commend the Senator from Tennessee. I think in a very brief period, he has demonstrated what all of us are so worried about; that we have been making greater and greater investments financially, particularly in grades kindergarten through high school, and we are not seeing the kind of results from it we need to see. We have all known that you have to have an educated society to maintain a free country.

On a personal basis, all those numbers on all of those charts of the Senator from Tennessee—which I would like a copy of—at the end of the tunnel what they point to, in all too many cases, is that a child can get out of our school system and not be ready to take care of themselves in society. They will have trouble getting a job, they will have trouble thinking through the kind of problems they have to solve, and they will be a diminished citizen. They are not going to be able to enjoy the opportunities and privileges that go with American citizenship. That is what all those numbers mean at the end. Thousands of people across our country are denied the benefits of American citizenship because they don't have the tools to engage our society.

I think I will take a moment, if I may, Mr. President, to remind everybody that we are in the midst of a debate over whether or not the other side will allow us to bring our proposal for improving families and their children's education, for improving education and grades kindergarten through high school and beyond. We are trying to get our proposal to the floor. That proposal is being filibustered on the other side. We are going to have a vote at 12:15 today to see if we can get 60 Senators who will agree that we need to get this legislation to the floor.

Let me take a moment, if I might, Mr. President, and describe the legislation that we want to bring to the floor today. The first provision is an education savings account. This is the provision that has caused the most discussion. Currently, last year in the Tax Relief Act, we adopted an education savings account. It was for $500. In other words, $500 per year can be put in the savings account and the interest buildup will be tax free if the proceeds are used for college expenses. It was designed by means testing to assure that the principal benefits went to middle income or lower.

Our proposal is to take the savings account that was passed overwhelmingly, that was signed by the President, and say you can invest more than $500; you can save up to $2,000 per year. So we have increased it by $1,500. Then we said, Why limit it to just financial needs that confront a family with a student in college? Why not make it possible for the family to use that savings account at any period in their education—kindergarten through college? And we applied the same constraints to that account. Everything about it is the same. So it is a pretty simple proposition. We took the savings account, you can put more in it, and you can use it kindergarten through college.

Interestingly enough, the amount of money that we will be leaving in family checking accounts through this instrument is not a lot of money in terms of a $1.6 trillion budget. It is about $750 million that would be left in these checking accounts over 5 years. What is interesting is, that small amount of relief, according to the Joint Tax Committee, multiplies itself by about 15 times—that families across the country, somewhere between 10 million and 14 million, who will use this opportunity, who will open this account, will save in the first 4 years about $5 billion. In over 8 years, they will save between $10 and $12 billion. So we are taking a very small amount of tax relief incentive and it causes American families to do something we all think they should do—save. And they are going to save billions of dollars.

What can they use the accounts for? They can use them for any educational need. I call these billions of dollars "smart dollars" because the guidance system is right in the household; it is the parent, who understands most what the child's needs are. They may decide this child has a math deficiency, so they would use the account to hire a tutor. Or they may be one of the 85 percent of the families in the inner city who don't have a home computer; they would use the account to help that child's education by acquiring a home computer. They may have a physical impairment or a special education need, and they could use the account to hire a special ed teacher to deal with whatever the problem would be.

There are no losers in this proposition. A lot of legislative proposals we see here, somebody gains and somebody loses. Not in the education savings account. Whether the child is in a rural school, an urban school, a fairly wealthy school district, or a very poor school district, everybody benefits. Whether the child is in public education, where 70 percent of the families who use these accounts will be supporting children in public schools, or 30 percent will be supporting children that are in private schools or home schools, there is no component of education that will not be the beneficiary of the savings account.

A little earlier, the Senator from Massachusetts was admonishing the fact that the Joint Tax Committee says about half the money that parents use—remember, it is their money—that these billions of dollars that are being saved are private dollars; they are not tax dollars. About half of that will go to support students in private schools, and about half will go to support children in public schools. I guess the Senator takes exception to that.

What that means at the end of the day is, in the first 4 years, $2.5 billion will be out there supporting children in private schools and about $2.5 billion will be out there supporting children in public schools. It will be families, but there will be a tendency to save a little less, because a family in a public school does not have to deal with tuition. I assume the Joint Tax Committee is acknowledging that families with children in private schools have bigger bills to pay because they have to pay the public school costs through their property tax, and they have to add the private school on top of it, so they will probably save a little more and they will spend it sooner.

The thing that the Joint Tax Committee does not do is estimate what happens if the families kept it through college. They have only estimated the division of money kindergarten through high school, and they also have not calculated a huge benefit that this savings account creates because it allows sponsors to contribute to the account. This makes it unique. What do you mean, "sponsors?" Well, an employer could help his or her employees by depositing funds in the employee's savings account for education. A church could. A grandparent could give a child a deposit in a savings account instead of a toy that will probably be ignored in 24 hours. This might change birthdays dramatically as parents, friends, uncles, and aunts try to figure out what kind of gift and find that a deposit in that child's savings account would be a great gift and have a lasting beneficial effect. That hasn't been indicated in the Joint Tax Committee's work. It will alter dramatically what the final outcome is of the distribution.

Say it all ended up exactly where they said. Why would anybody oppose infusing billions of new dollars behind children in private schools and billions of new dollars behind children in public schools? Why in the world would that be a reason to be upset about? It is mind boggling that a savings account that families open with their own money—not public money, their own money—from which some 10 to 14 million families will benefit, some 20 million children, and we would have this strident filibuster in opposition to it. Pretty mind boggling.

There are other provisions of the proposal. I will go over them briefly. It helps qualified State tuition provisions. In a number of States—21 of them, to be specific—States allow parents to purchase a contract that locks

in their tuition costs for college in the future at today's prices. This proposal would allow those proceeds to come out tax free to the student. Twenty-one States would be immediate beneficiaries, or the citizens of those States. In fact, this is one of the most costly provisions of the proposal. There are other States that currently are considering this provision, but this would help parents and States who are trying to help parents set up these advance tuition payment systems.

The proposal would aid employer-provided educational assistance. This legislation extends the exclusion for employers who pay their employees' tuition through 2002 and expands it to include graduate students, beginning in 1998. This allows employers who pay up to $5,250 per year for educational expenses to benefit their employees, without the employee having to claim it as income and pay taxes on it. So every company across our land has an incentive to help their employees update and improve their education—once again, a very sound proposal that has a broad reach across our country.

Briefly, there are two other major provisions that deal with helping small school districts get revenue bonds to help build schools, and there is some defining language that helps make HEALTHY, the national health care scholarships—these five provisions are at the center of our proposal that we are trying to get to the floor for a debate.

I want to reiterate, relating to the comment from the Senator from Massachusetts, we have been agreeable to the other side bringing to the floor their provision and debating it. What we are trying to do is get the legislation on the floor. We have been joined by my cosponsor on the other side of the aisle, the distinguished Senator from New Jersey, who has been tireless in his effort to promote particularly the education savings account among the adversaries on the other side. I have been particularly appreciative of his work and courage in helping us with this educational innovation. He has been tireless. His intellect has been superior. I yield up to 10 minutes to the Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I thank my colleague from New Jersey for yielding me the time and, more than that, for his leadership, tirelessly, month after month, in bringing this issue of savings accounts to the Senate and now, I believe, to acceptance.

I have noted in the debate to date, Senators have offered a perspective that they have other ideas that would enhance educational quality in our country.

People believe they may have better ideas. People have other suggestions and approaches. In large measure, they all have merit. Neither Senator COVERDELL nor I argue that this is exclusively the only approach in improving educational quality in our country. But it is an idea and it is a worthwhile idea. Critics are right that the country also must, as the President has suggested, rebuild America's schools. We need additional teachers, we need to reduce class size, and I believe we need to do voluntary testing. The President's proposals and those of our Democratic and Republican colleagues all have merit. A+ savings accounts are not designed to replace those ideas, and they are not instead of other suggestions. But this is a beginning, and it is an important beginning.

A+ savings accounts, under Coverdell-Torricelli, will bring $12 billion of new educational resources for the classrooms of America, in public and private schools. It is not a diversion of current public resources, as might be the case with vouchers. These are new resources. It isn't Government money at all. These are the funds of private American families who are given a new avenue to use their own money to enhance the quality of public or private education. It is resources where we need them the most. It is estimated that 75 percent of all of these resources through educational savings accounts will go to families who earn $70,000 per year or less—families who are struggling the most to provide their children with quality education. Yet, Senators will come to the floor and argue that this money continues to go to a privileged few. What privileged few in America earn $50,000, $60,000 or $70,000 a year and pay the tuition or the ancillary cost of public education on one, two, or three children?

Other Senators will argue that the money should be going exclusively to public schools. Well, according to the Joint Committee on Taxation, it's estimated that 70 percent of the actual funds placed in these savings accounts will go to public school students because not only are these resources available for private tuition at parochial schools, yeshivas, and other private institutions, they are also available for the ancillary cost of public education. What parent in America today, recognizing how students are struggling with advanced science, new math, the more complexities of rising educational standards that we are trying to impose on America's schools from our school boards and local governments, does not recognize that this complexity requires additional instruction? Educational savings accounts are the only means that we are offering American families, through any program, to hire tutors, to get teachers after school, pay them additional resources to get their time to help American students compete and to learn.

It is the only program designed by anyone that I know to deal with the fact that even some of our best public schools are canceling after-school activities, after-school transportation, extracurricular activities, which are such a vital part of American education. These savings accounts will make this money available to pay for those activities.

I believe that A+ savings accounts can be the beginning of a revolution in American education, where Senators will succeed in coming to the floor, as the President has suggested, and offering legislation to rebuild our schools, where others will succeed in ensuring that there is voluntary testing that will renew the standards and quality of American instruction. A+ savings accounts could be the beginning of that revolution in American education.

We offer this to supplant no other idea, as a replacement for no other initiative, but that it stand on its own merits. At a time when American families are struggling to prepare their students for a new generation, the difference between success or failure, a quality of life or a struggle of life, can be simply defined by the quality of the access to an education. Who here can argue that parents should not be able to use their own resources, for which they work every day, to save funds to help in a private or a public education?

I believe, Mr. President, that in the final analysis, as the years pass and as we look back on this proposal, we will realize that we have awakened in America a tremendous resource—because A+ savings accounts would not only provide this opportunity to American families, but something much larger—to get the American family involved again in the process of education.

Imagine a system where on a child's birthday, or on Christmas, on Easter, on any anniversary in our religious or civic calendars, aunts, uncles, grandparents, would provide money as a gift to go into a savings account to help a child with their public or private education. We are inviting the extended American family back into the business of education when for so long people believed that education was a problem of the Government or, at best, a mother and father, but still believe that they cared about these children who were their nieces, nephews, or grandchildren. This is a vehicle to get involved. If that is true of the extended family, it's true of others as well.

I have noted in this debate before the potential where labor unions could go to the negotiating table and ask not just for health benefits, or retirement, or pay increases, but ask every month in every paycheck that $5, $10, or $50 be placed in a child's savings account as part of a labor agreement; where corporations compete for labor in America not just on wages but say to their employees, "if you work for our company, we will contribute to your savings account to help a child."

The potential here is enormous. But it begins with a single step, and that is

to establish these accounts. I know many of my colleagues who are still wondering about their position on this legislation have many questions. I want you to consider this one, as well, because I recognize that this proposal is controversial. Many of my colleagues who have doubts about it stood on the Senate floor a year ago and enthusiastically supported educational savings accounts—accounts to help parents deal with the rising, and sometimes insurmountable, burden of college tuition. It is believed that under this savings account proposal we could quadruple the amount of money available for college tuitions, because every dollar placed in these savings accounts for public and private secondary education can be rolled into a college savings account if not used by the 12th grade. So if for no other reason you do not join us today in Coverdell-Torricelli, but you believed last year in educational savings accounts for college tuition, you should be joining with us today.

Finally, Mr. President, I offer this: Of all the divisions in American life, of race, or poverty, or opportunity, the one this country cannot afford in the next century is to create a caste system of knowledge. Yet, that threat is arising in America: two distinct classes of American citizens, one that enjoys unlimited opportunity and the other mired in the past, in poverty, without hope or opportunity. That division is knowledge. Where parents do not feel the public school can adequately prepare their child, they should have a private school option.

I agree that we cannot afford, at a time when our public schools are not adequately financed, to divert public resources. That is why I have opposed vouchers. But this is another opportunity to provide that private school option with a family's own money.

But ending this division of knowledge requires something else, too. The classroom experience will never be enough in the next century to prepare American students to compete in the world. It will never be sufficient. That is what's exciting about these savings accounts, where parents, after the regular school hours, can use tutors for extra instruction, paid for with their own resources through these savings accounts, and through the use of technology. Who in this Senate believes that in the 21st century a student can genuinely compete and prepare themselves in research, or computation, or writing, or word processing, without a home computer and access to the Internet as a research tool? I doubt that anybody here will make that case. Yet, 60 percent of American students will end the 20th century without a home computer. Most frightening, 85 percent of all minority students will never have that resource, under current financing. These home savings accounts in the Coverdell-Torricelli proposal make funds available for home use and the purchase of a computer. It is our greatest opportunity to assure that this new divide in American life never occurs, that access to knowledge will occur regardless of race or family income, that opportunity is afforded across these lines of American life.

Finally, Mr. President, I hope that we can proceed on a bipartisan basis. I regret that the judgment has been made that more amendments will not be made available by many of my Democratic colleagues. By the end of the day, we are still left with a proposal that stands on its own merits and deserves the support of Senators, Democratic and Republican.

Let us begin the great American initiative to confront the most pressing problem in contemporary American life, which is the crisis of quality in the American secondary schools. This is not an end to that debate. It is not a definitive solution. But it is a beginning, to be followed by many proposals of many Senators of both great political parties. I hope we receive overwhelming support.

Again, I congratulate the Senator from Georgia for bringing this before the Senate. I am very proud to offer it with him as his coauthor. I thank the Senator for yielding.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I want to acknowledge one of the most eloquent statements we have heard about education savings accounts that has just been given to us by Senator TORRICELLI. I particularly applaud his reflection on the caste system that we are in danger of creating in this country. It has been rewarding to me, and I know to the Senator from New Jersey, that many of the leaders of these communities, from Alveda King to Congressman Flake, really want these savings accounts because they understand it could be a potential avenue and tool to alleviate that caste system. I appreciate those remarks.

I yield up to 5 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I am a strong supporter of public education. Increasingly, more education is key to the American dream. I would not support any legislation that I felt in any way undermines this country's commitment to public education.

There have been a lot of myths and misinformation circulated about the bill that the distinguished Senator from Georgia has taken such a leadership role in drafting and bringing to the floor. I would like to engage the Senator from Georgia in a colloquy in an attempt to put to rest some of the misinformation that has been circulated about his proposal.

First, I want to commend him for his leadership. I know that he is sincerely committed to improving the quality of education in this country. He has been a real leader on this issue, and it has been a pleasure and a privilege to work with him. The Senator from Georgia and I have had many conversations about this bill. I, too, had some misinformation about it in the beginning, and the Senator from Georgia was able to alleviate my concerns.

For the record, I would like to publicly ask some questions of the Senator from Georgia so that everyone may have the benefit of this information.

First, as the Senator from Georgia knows, I oppose vouchers because they would divert needed funds from our public schools. I would ask the Senator from Georgia, does this bill in any way divert money from local school districts that would otherwise be used for public education? Does this bill in any way authorize school vouchers?

Mr. COVERDELL. First of all, I thank the Senator from Maine for her courtesy and her remarks. But specifically to her question, the answer in both cases is no. Absolutely not. No local public school dollars are diverted. As a matter of fact, as the Senator knows, if a family today anywhere in America makes a decision to go to a private school, that is over and above the fact that they continue to pay their property taxes and their school taxes for the public education system. All of these dollars are private dollars.

Ms. COLLINS. I very much appreciate the Senator from Georgia clarifying that important point. Many of us may differ on the issue of vouchers, but the fact is that this bill is not a bill to authorize vouchers, despite some of the information circulated by the opponents of the bill.

Mr. COVERDELL. That is correct.

Ms. COLLINS. Similarly, I ask the Senator from Georgia to clarify that the money in these A+ accounts could be used in fact to assist children that are attending public schools. I believe that is one of the purposes of this bill. For example, am I correct in believing that parents whose children attend public schools could use the money set aside in these savings accounts to purchase a computer, for example, or to hire a tutor to help their children, or perhaps to pay for a school trip—again, all related to the public schools? Is my understanding correct?

Mr. COVERDELL. The Senator from Maine is correct. In fact, my assertion is that public school children attending public schools would be the principal beneficiaries. Seventy percent, according to the Joint Tax Committee, of families—that is about, incidentally, 7 to 10 million of them—will be families with children in public schools, and about 30 percent will be families with

children in private schools. The division of the money is more equal. It is about 50–50, according to the latest results. But those are not complete, because they only apply to kindergarten through high school, and not through college. But, specifically, families with children in public schools can use them, and, in fact, more families with children in public schools will use these accounts.

Ms. COLLINS. If I could expand on the point of the Senator from Georgia, who has answered my final concern in this regard, approximately 70 percent of the parents who would benefit from this important legislation have children in public schools. Is that correct?

Mr. COVERDELL. That is correct, according to the Joint Tax Committee.

Ms. COLLINS. Finally, Mr. President, I want to clarify that it is my understanding that if the money in these accounts is not used while the child is in elementary school or secondary school, that it can in fact be used for the very important purpose of helping a family afford college costs or postsecondary costs. Am I correct in my understanding?

Mr. COVERDELL. The Senator is absolutely correct; it is eligible for use. My interest has been kindergarten through high school, as the Senator knows, but the family can make its own choice. The accounts can be used from kindergarten through college, and post college, if the student is suffering from a disability and has an ongoing educational requirement. So it is a full life of education as we know it in America.

Ms. COLLINS. Mr. President, contrary to the assertions of opponents to this legislation, the fact is that it will bring more money to our public schools, and it is a very pro-education pro-public-schools piece of legislation that the Senator from Georgia has brought forth.

I thank the Senator from Georgia for his reassurances in this very important matter. I yield the floor.

Mr. COVERDELL. I thank the Senator from Maine. Again, I appreciate the courtesy extended to those of us who have been framing the legislation. I understand her interest in clarifying these points, because there has been considerable misinformation. I will not go into it at this point. But it is disappointing, considering the source. These are sources involved with education, and you would think there would be a particular integrity, that I have found absent, and I am disappointed about it.

I thank the Senator.

Mr. President, I yield up to 5 minutes to the Senator from Wyoming.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Wyoming is recognized.

Mr. THOMAS. Thank you, Mr. President. I thank the Senator from Georgia for the opportunity to make a few comments, but more particularly for the efforts that he has put forth and the leadership that he has given in producing this bill to strengthen American education.

I say again, as has been said before, that we must remember what the purpose of this vote is, what the purpose of this effort is, and that is to get it on the floor. This, of course, will never be resolved until we come to some agreement as to how to get it on the floor and to in fact consider it along with other kinds of issues.

Everyone is for strengthening education. I don't know of anyone who would get up and say, "No, I certainly don't want to do that." Of course not. All of us want to do it. The question then is, How do we best do it? How do we really approach the idea of strengthening education and preserving those things that we think are fundamental to education in this country? One of the real questions, of course, is the degree and the extent of direct Federal involvement.

I was interested in the charts of the Senator from Tennessee this morning that showed all of the different kinds of approaches that have been taken at the Federal level—literally hundreds of programs that we have now, which still only represent less than 7 percent of the total expenditures in elementary and secondary education. Can you imagine the amount of bureaucracy? Can you imagine the amount of expense prior to that money getting to the ground?

So what we are really talking about here is a system to provide the opportunity for families to be able to put together some money to use as they choose and strengthen the local government.

The President, of course, has outlined the education issue largely because it is an issue that everyone cares about—I have to say largely because it is such a high winner in the polls. So the President, along with the environment and other things, continues to mention education but really doesn't have a plan for it. I guess that is part of the system: You talk about education, sit back, and somebody else puts it together. And then, of course, you claim victory because you have done something for education. That is OK. We have seen that before.

The point is, How do we best strengthen education for all Americans? How do we get better results? That is really what the bottom line is about here. How do we maintain local control? Those are the issues. How do we get more results for the expenditures that we put out? I am persuaded that the approach taken by the Senator from Georgia—the idea of keeping it at the local level, the idea of letting people be responsible for saving and investing as they choose—is the real way to do it.

The Senator from Massachusetts, of course, represents the legitimate point of view that bigger government ought to have enormous direct expenditures and, therefore, the controls that go with it in education. I think that is not the case.

Basic changes: I get a lot of input into elementary education, and secondary. My wife happens to be a high school teacher. One of the things that is troublesome is the amount of time she spends on paperwork. She is a special education teacher, and she spends half the time on paperwork. We need to try to eliminate some of that. We need to offer discipline; we need to raise expectations so that children are really expected to do more; we need to have more accountability in terms of production—much of this through management. Of course, we need to provide more resources.

So, let me say to the Senator that I appreciate very much and admire what he is doing and certainly hope we can get this bill on the floor. And we should immediately.

I thank the Senator.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I thank the Senator from Wyoming for his support and comments on our education proposal. I appreciate it very much.

Mr. President, I thought in closing out this debate over whether or not we can get to this legislation, or whether we will continue to be filibustered, that it would be pretty interesting to compare two approaches about helping American families. One is ours, which will be in our budget, which we have just been talking about, which is an education savings account which allows a family to save up to $2,000 per year for use for an educational purpose, kindergarten through college. It is pretty straightforward. We just expanded the education savings account that was passed and signed by the President last year.

In the President's budget, they are proposing a $2,000 solar tax credit for "photovoltaic systems".

What are the uses of our savings account? After-school care; tutoring for special needs kids; a computer for every schoolchild; and special education. We have been talking about it all morning.

What would you use the solar tax credit for? Heating jacuzzis, tanning beds, mood lighting, you name it.

Who are the beneficiaries of the education savings account? Middle- and lower-income families; phased out for those making more than $95,000 a year. As I said this morning in response to the Senator from Massachusetts, this account is pointed toward middle-income families. Seventy-percent-plus

goes to families, $75,000 or less, just like the savings account the President signed into law last year.

How about their plan? Well, the beneficiaries are wealthy people from sunny States. There is no limitation on income levels. Every movie star and rock star in the country could get this $2,000 tax credit to put a solar panel on their roof.

The purpose of our account: Provide every child a better education; help over 10 million and 14 million middle- and lower-income families.

What is their purpose? To combat global warming. The goal is to get solar panels on 1 million rooftops by the year 2010.

As a matter of public policy, when we are having to make decisions and hard choices, what do you really think America feels we need? Education savings accounts for 10- to 15-million families and around 20 million children; that is, about half the school population? Or 1 million solar panels, which can only be used in sunny States, and with no income means testing at all? Like I said, every rock star in America can be a candidate for the administration's solar panel.

If that isn't a clear distinction of where we are setting our priorities, I don't know what it is. The fact that we have an administration that is arguing for 1 million solar panels and filibustering a savings account for everyday families—not rock stars, not wealthy folks—to set up a savings account to help their kids, kindergarten through high school, I don't know what better distinguishes our two objectives.

Mr. President, I have been very pleased with the bipartisan support of Senator TORRICELLI, Senator LIEBERMAN, Senator BREAUX, and others, and I hope we can end this filibuster and have a normal debate about our views on how to help education. But I find this to be a very telling comparison of our sets of priorities, with the filibustering of the savings account for average American families. We are proposing a $2,000 tax credit that anybody can take advantage of. And you know exactly who is going to use that, and it is not going to be middle America, is it?

Mr. President, I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to H.R. 2646, the A+ Education Act:

Trent Lott, Paul Coverdell, Craig Thomas, Rod Grams, Chuck Hagel, Tim Hutchinson, Kay Bailey Hutchison, Mike DeWine, Bob Bennett, John McCain, Don Nickles, Chuck Grassley, Mitch McConnell, Wayne Allard, Phil Gramm, John Ashcroft.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of H.R. 2646, the Education Savings Act for Public and Private Schools, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from North Dakota (Mr. CONRAD) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The result was announced—yeas 74, nays 24, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—74

Abraham	Dorgan	Lugar
Allard	Enzi	Mack
Ashcroft	Faircloth	McCain
Bennett	Feinstein	McConnell
Biden	Frist	Moynihan
Bond	Gorton	Murkowski
Boxer	Graham	Nickles
Breaux	Gramm	Robb
Brownback	Grams	Roberts
Bryan	Grassley	Rockefeller
Bumpers	Gregg	Roth
Burns	Hagel	Santorum
Byrd	Hatch	Sessions
Campbell	Helms	Shelby
Chafee	Hutchinson	Smith (NH)
Coats	Hutchison	Smith (OR)
Cochran	Inhofe	Snowe
Collins	Jeffords	Specter
Coverdell	Johnson	Stevens
Craig	Kempthorne	Thomas
D'Amato	Kerry	Thompson
Daschle	Kyl	Thurmond
DeWine	Leahy	Torricelli
Dodd	Lieberman	Warner
Domenici	Lott	

NAYS—24

Akaka	Harkin	Mikulski
Baucus	Hollings	Moseley-Braun
Bingaman	Kennedy	Murray
Cleland	Kerrey	Reed
Durbin	Kohl	Reid
Feingold	Landrieu	Sarbanes
Ford	Lautenberg	Wellstone
Glenn	Levin	Wyden

NOT VOTING—2

Conrad	Inouye

The PRESIDING OFFICER. On this vote, the yeas are 74, the nays are 24. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. KOHL. Mr. President, my vote in opposition to the motion to proceed to H.R. 2646 was unrelated to the merits of this education IRA proposal. I voted with Senator DURBIN on this procedural issue to protest the lack of floor action on two noncontroversial judicial nominees from Illinois.

While the Senate should consider how to make quality education more affordable, it also should not neglect its duty to fill judicial vacancies. The Senate's failure to act on these nominees is particularly egregious—one of these positions has been vacant for five years, and the other has been vacant for almost three and a half years. There are currently 82 judicial vacancies, and continued inaction and delay in the Senate is likely to compromise the quality of justice available to crime victims and other injured persons throughout the U.S.

NOMINATION OF JUSTICE SUSAN GRABER TO THE U.S. CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT

Mr. SMITH of Oregon. Mr. President, today we have an opportunity to confirm the nomination of an outstanding judicial nominee to the U.S. Circuit Court of Appeals for the Ninth Circuit. The fact that Susan Graber is scheduled today for a floor vote is a great honor, but one that does not surprise me. Justice Graber has earned an excellent reputation among her colleagues on the Oregon Supreme Court and throughout the Oregon Bar. She has earned this outstanding reputation not only because of her legal scholarship, but also because of the high professional standards she has consistently displayed in her advocacy in private practice and during the years she has served on the bench. I am confident that Justice Susan Graber will bring to the Ninth Circuit Court of Appeals the same dedication, professionalism, and integrity that has been the hallmark of her legal career.

Mr. President, I urge my colleagues to join me in support of this outstanding judicial nominee.

NOMINATION OF SUSAN GRABER

Mr. WYDEN. Mr. President, I rise today to speak in support of a friend and a constituent of mine who is a great legal thinker and writer, a pillar in her community, a respected and valuable Associate Justice on the Oregon Supreme Court, and someone who I believe will be an outstanding federal court of appeals judge—Justice Susan Graber.

Let me begin by expressing my thanks and gratitude to the Senate Judiciary Committee, and in particular the Chairman of that Committee, Senator HATCH of Utah for acting on the nomination of Justice Graber and holding a confirmation hearing earlier this year.

Mr. President, I rise today in strong support of Justice Susan Graber for appointment as a judge on the United States Court of Appeals for the Ninth Circuit. Justice Graber comes before the Senate today with the strong bipartisan support of the Oregon Congressional delegation, with broad support from Oregon's law enforcement

community and with strong support from the bench and bar. From all across my home state, from both sides of the aisle in Oregon politics, from judges and litigants alike, I have heard the praise accorded to this dedicated jurist, who has just recently reached her 10th anniversary as an appellate judge —at the ripe old age of 48.

I will not dwell long on her outstanding qualifications for this position—a graduate of Wellesley College and Yale Law School, Susan Graber has excelled at every step of her fine legal career. From the moment she took the bench right up until the present day, Susan Graber remains the youngest—and I think most will agree, one of the most productive—justices of the Oregon Supreme Court.

Through her authorship of over 300 opinions in the past 10 years, Justice Graber has garnered praise from the bench and bar as being the epitome of a careful and non-ideological judge whose centrist approach has helped promote a consensus-building and collegial atmosphere on this important court. And Justice Graber's opinions point out another fact—this is an individual who respects and understands her role as a judge. She understands very clearly the difference between being a legislator and being a judge, and her opinions reflect a firm adherence to the law as written by the Oregon Legislature. She knows the role of a judge is to follow, not to make the law, and that is exactly what we need on the federal appellate bench.

I am certain that Justice Graber will bring to the U.S. Court of Appeals the same intelligence, thoroughness and integrity that she has brought to her work as a State Supreme Court judge and as a careful and thoughtful student of the law. I want to again thank Chairman HATCH and the Senate leadership for moving us to this point in the process, and I urge my colleagues to confirm this tremendous nominee.

RECESS UNTIL 2:15 P.M.

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

Thereupon, at 12:50 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SANTORUM).

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the hour of 2:15 having arrived, the Senate will now go into executive session.

NOMINATION OF SUSAN GRABER, OF OREGON, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

The PRESIDING OFFICER. The Senate will now proceed to vote on the nomination of Susan Graber of Oregon, which the clerk will report.

The legislative clerk read the nomination of Susan Graber of Oregon to be United States circuit judge for the ninth circuit.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Susan Graber, of Oregon, to be a U.S. circuit judge for the second circuit? On this question, the yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. ROCKEFELLER) would vote "aye."

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 35 Ex.]

YEAS—98

Abraham	Faircloth	Lott
Akaka	Feingold	Lugar
Allard	Feinstein	Mack
Ashcroft	Ford	McCain
Baucus	Frist	McConnell
Bennett	Glenn	Mikulski
Biden	Gorton	Moseley-Braun
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boxer	Grams	Murray
Breaux	Grassley	Nickles
Brownback	Gregg	Reed
Bryan	Hagel	Reid
Bumpers	Harkin	Robb
Burns	Hatch	Roberts
Byrd	Helms	Roth
Campbell	Hollings	Santorum
Chafee	Hutchinson	Sarbanes
Cleland	Hutchison	Sessions
Coats	Inhofe	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Johnson	Smith (OR)
Conrad	Kempthorne	Snowe
Coverdell	Kennedy	Specter
Craig	Kerrey	Stevens
D'Amato	Kerry	Thomas
Daschle	Kohl	Thompson
DeWine	Kyl	Thurmond
Dodd	Landrieu	Torricelli
Domenici	Lautenberg	Warner
Dorgan	Leahy	Wellstone
Durbin	Levin	Wyden
Enzi	Lieberman	

NOT VOTING—2

Inouye	Rockefeller

The nomination was confirmed.

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

Mr. SMITH of Oregon. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I am delighted that the Majority Leader has chosen to proceed to consideration of the nomination of Justice Susan Graber to the Ninth Circuit. Justice Graber currently serves on the Oregon Supreme Court. She was reported unanimously by the Judiciary Committee earlier this month. She has the support of both Oregon Senators and received the American Bar Association's highest rating.

At her confirmation hearing, she was interrogated about two briefs that she had filed a number of years ago, in 1982 and 1984, in connection with cases being pursued by the ACLU. She was asked whether she is now or ever has been a member of the ACLU. She was asked whether she personally agreed with a number of positions taken recently by the ACLU. I objected to this line of questioning at the hearing and caution the Senate that we are headed down a road toward an ideological litmus test that does not well serve the Senate, the courts or the American people.

I hope that Justice Graber's confirmation will signal a change of direction and a willingness of the Senate to confirm qualified judicial nominees. I was encouraged when Senator SESSIONS voted to report this nomination favorably and said: "I think she is a very talented nominee, has been an activist in some ways in her past, but has many good recommendations, and I think would have the capability of making an outstanding judge. I would support her nomination, although had I been making the nomination, I may not have nominated her." I trust that is the standard that will be applied to other qualified nominees, as well.

I remain concerned, as I look at the Senate Executive Calendar, that we are again passing over other highly-qualified nominees, nominees who will be confirmed by the Senate if they are ever allowed to be considered. In particular, I see G. Patrick Murphy, the nominee to the District Court for the Southern District of Illinois, and Judge Michael P. McCuskey, the nominee to the District Court for the Central District of Illinois. I spoke of these longstanding nominations yesterday, as well. I know that Senator DURBIN is doing everything he can to try to have them considered by the Senate because they have been on the Senate calendar since last November, over 5 months; they are desperately needed in their districts; and they are so well qualified.

I see Edward F. Shea, a nominee to the District Court for the Eastern District of Washington, and Margaret McKeown, the Washington State nominee to the Ninth Circuit. Mr. Shea was reported at the same time as two other District Court nominees who have been considered and confirmed and should likewise be considered and confirmed without further, unnecessary delay. Margaret McKeown was reported before the Justice Graber but has been skipped over, as well. Her nomination is fast approaching its two-year anniversary. She was reported by the Judiciary Committee on a vote of 16 to 2

and she has the support of Chairman HATCH and a number of Republican Senators. Why these outstanding nominees are being skipped is a mystery to me.

Finally, we have reported to the Senate the nomination of Judge Sotomayor to the United States Court of Appeals for the Second Circuit. Her nomination was received back in June 1997. She, too, was favorably reported by a Committee vote of 16 to 2, once we finally considered her nomination. She is strongly supported by both New York Senators, yet the nomination continues to languish without consideration. This would fill one of the four vacancies that currently plague that Court. A fifth vacancy on this 13-judge court will arise before the end of this month.

The confirmation of Susan Graber will mark the twelfth judge confirmed by the Senate this year. While we are still behind the pace the Senate established in the last nine weeks of last year, we can make a step in the right direction by proceeding to consider and confirm the five additional judicial nominees who remain on the Senate calendar and are ready for our consideration and favorable action.

When the Chief Justice of the United States Supreme Court wrote in his 1997 Year End Report that "some current nominees have been waiting a considerable time for a . . . final floor vote" he could have been referring to Patrick Murphy, Judge Michael McCuskey, Margaret McKeown and Judge Sonia Sotomayor.

Nine months should be more than a sufficient time for the Senate to complete its review of these nominees. During the four years of the Bush Administration, only three confirmations took as long as nine months. Last year, 10 of the 36 judges confirmed took nine months or more and many took as long as a year and one-half. So far this year, Judge Ann Aiken, Judge Margaret Morrow, and Judge Hilda Tagle have taken 21 months, 26 months and 31 months respectively. The average number of days to consider nominees used to be between 50 and 90, it rose last year to over 200 and this year stands at over 300 days from nomination to confirmation. That is too long and does a disservice to our Federal Courts. I urge the Republican leadership to proceed to consideration of each of the judicial nominees pending on the Senate calendar without further delay.

LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. ROBERTS). The Senate will now return to legislative session.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

CORRECTIONS TO THE CONGRESSIONAL RECORD

Mr. BYRD. Mr. President, on yesterday, I addressed the Senate concerning Senator MOYNIHAN's birthday. On page S1967, the first column, the last full paragraph on that page, the word "stoop" should be "swoop" in Herman Melville's eloquent quotation.

In the RECORD, during my remarks concerning WENDELL FORD being the longest serving Kentuckian in the history of the Senate, on page S1969, the first column, the last full paragraph, the word "countries" should be "counties."

I ask unanimous consent that these two items be corrected in the permanent version of the RECORD.

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

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each until 4 p.m. today, when we will go to the opening discussion on the NATO enlargement issue.

I yield the floor.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. CAMPBELL. Mr. President, I yield to my colleague from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that I be allowed to follow Senator CAMPBELL in morning business.

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

Mr. FAIRCLOTH. Mr. President, I ask that I be able to follow the Senator from Texas.

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

Mr. DURBIN. Mr. President, I ask to permission to follow the Senator from Texas.

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

The Senator from Colorado is recognized.

Mr. CAMPBELL. I thank the Chair.

(The remarks of Mr. CAMPBELL and Mr. ALLARD pertaining to the introduction of S. 1771 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MARRIAGE PENALTY TAX RELIEF

Mrs. HUTCHISON. Mr. President, I rise today to say that we have taken, or are in the process of taking, one major step toward more tax relief for the hard-working American family. The budget resolution, which is being marked up as we speak right now, will allow for $30 billion in tax relief for the hard-working Americans.

This $30 billion is not nearly enough. I hope that we will be able to expand the $30 billion. But, at least it recognizes that we need to keep on the same course that we started last year, and that is giving back to the American people more of the money they earn so they can decide how they want to spend it, rather than sending it to Washington and letting somebody here decide what is best for their families. That is what we are trying to do in this Congress. We are trying to give more of the money that people earn back to them. And $30 billion will not do it, but at least that is a beginning. It is a beginning for new tax cuts that we would propose over the next 5 years.

I am very pleased to say that both Congressman ARCHER, the chairman of the Ways and Means Committee, and Senator ROTH, the chairman of the Senate Finance Committee, both of whom will be responsible for setting the priorities in tax cuts, have said their first priority is the marriage penalty tax. I am very pleased that Senator FAIRCLOTH and I are working on a bill that will provide that relief. There is a Faircloth-Hutchison bill that allows people to put their money together and split it in half. There is a Hutchison-Faircloth bill that will allow people to file as single or married, whichever is best for them. We want the hard-working young couple that gets married not to have to pay a penalty.

Let me just give you an example that is a true one. A rookie policeman in the city of Houston, TX, makes around $30,000 a year. He marries a Pasadena School District schoolteacher who makes about $28,000 a year. When they get married, they will owe almost $1,000 in additional taxes. Mr. President, we think that is wrong. We do not think that Americans should have to choose between love and money. We do not think that young couples who are getting married, who want to have their first home, who want to buy that new car, should have to give more money to Uncle Sam because they decided to get married and start their family. That is not the American dream. So we are going to try to do something about it.

I want to commend Senator FAIRCLOTH from North Carolina, because he took the early lead on this. He and I have been working together to eliminate the marriage penalty tax once and for all. I am very pleased that Senator ROTH and BILL ARCHER, from Texas, who understands this issue—have said this is a first priority. If we can give this relief to that young couple that gets married, they will be able to perhaps put that money aside for a downpayment on their first home, or perhaps a downpayment on a new car. Rather than sending that money to Washington for the government to decide how they should spend it, we need to let couples keep that money they earn, which in many cases could equal a couple of car payments.

So, $30 billion is not quite enough. The Joint Tax Committee says that it would be roughly $110 billion over 5 years that would be taken out of the Government coffers to repeal the marriage penalty. We are going to have to keep working to look for either a budget surplus or more money that could be set aside, or we may have to phase that in. But the bottom line is this is one step toward the right thing to do. It is one step more in the direction of giving more tax relief to that young couple that decides to get married, who are in entry-level positions, just starting their lives together, and we are going to make that happen. If we have to do it by phasing it in, we will do it; if we have to do it by finding more money, we will do it, because we believe it is the right thing to do.

Thank you, Mr. President. I yield the floor to the Senator from North Carolina, who is a cosponsor with me of both of the bills that would give tax relief to that young couple who should not have to choose between love and money.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, thank you. I thank Senator HUTCHISON.

Mr. President, I want to join the Senator from Texas in thanking the chairman of the Budget Committee, Senator DOMENICI, for including a repeal of the marriage penalty tax in the budget resolution which was unveiled today.

Mr. President, Senator HUTCHISON, Senator CONNIE MACK, and I have sponsored legislation to remove this unfair tax. It penalizes couples simply because they get married. Because of the hard work of Chairman DOMENICI and the Budget Committee, we are making progress in getting rid of this tax. The majority leader, Senator LOTT, has also been tremendously supportive. Senator HUTCHISON, Senator LOTT, and I recently pledged on Valentine's Day that we would work to have this tax burden removed by Valentine's Day next year. I think it is a reasonable goal and a step closer with today's budget resolution. What better use of money could we have, what better use than to give tax relief to a young couple getting married? The Congressional Budget Office has determined that 21 million married couples pay an average of $1,400 in extra income tax each year because they chose to get married. The Tax Code in its simplest form should encourage people to get married and not leave them with a heavy tax bill because they did get married. I look forward to working with Senator HUTCHISON, from Texas, on eliminating this tax.

Mr. President, the Republican Congress needs to return to its core values. We need to reduce taxes and get on with the job of helping American families and especially young American families that are just starting out. The American families are working and saving to send their children to college. They are trying to save for their own retirement and, in many cases, to look after elderly parents. In spite of all this, today we have a higher tax burden on them than ever before. We are still taking 38 percent of a family's income. People have to work until May 7 of each year before they begin working for themselves. We need to reduce taxes. The Budget Committee has taken a step in the right direction by proposing $30 billion in tax cuts. As I repeat, what better way to spend the money? We need the marriage penalty relief and we need it before next year.

I thank the Chair. I yield the floor.

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

The PRESIDING OFFICER (Mr. KEMPTHORNE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. MOSELEY-BRAUN. I would like to take as much time as I may require in morning business.

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

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

Ms. MOSELEY-BRAUN. Mr. President, tomorrow, I understand, the Senate will begin debate on S. 1133, probably one of the most important debates on education that this Senate will take up this year. This is a vitally important debate, so I want to take this along with other opportunities to talk about various aspects of the underlying legislation, that is, S. 1133, as well as amendments that I and others intend to offer which we believe represent a better approach to education policy at this time in our Nation's history.

At the outset, let me say that the underlying bill will allow families to put up to $2,000 a year into special education savings accounts and then allow those families to withdraw those funds to meet the costs of attending private or religious schools, middle schools and high schools. Contributions into these accounts would not be tax deductible, but interest on the accounts would be tax free.

There are several problems with this proposal, and I would like to discuss them. But I think the most important point was made this afternoon by the minority leader when he asked the question, is that all there is? Given the tremendous need for educational resources, for providing national support for our elementary and secondary schools in this country, given the results just last week of international tests that showed the United States coming in dead last in science and math, below even some Third World countries, given the need of our country to prepare this next generation of Americans for their role and leadership in this world economy, in this technological age, it seems to me we should be able to engage a more appropriate national response to the tremendous need for educational support than this proposal provides.

In the first instance, the changes made to the Education IRAs by S. 1133 will only give families an average annual benefit of $7. That is to say, the average annual benefit to a family with a child in the public schools will be $7 a year—$7. And that $7 will cost an estimated $1.6 billion over the next 10 years. Seven dollars a year. I think it is appropriate to ask, is that all there is? Is this the best we can come up with in response to the crisis in education our country is facing?

Mr. President, $7 a year is hardly a windfall for American families. It is not enough to cover the expense in a day, in most instances, of pencils or crayons or construction paper for that matter. But the point is that with $7 we will essentially be providing what some have referred to as leeches to cure a disease. That is to say, we will be draining away resources from our public school system in order to provide an average of $7 a year for parents. That is not good policy. That is not practical. And certainly that is an inadequate response to the challenges we face in education policy.

Some have argued that the bill is a good idea because it represents savings policy; we want to encourage Americans to save. And, of course, it is almost an article of faith that Americans do not save as much as citizens of other industrialized countries. We want to do everything we can to bolster the savings rate in this country.

Of course, I agree with that proposition; we do want to encourage people to save. But this is bad savings policy. The purpose of IRAs, individual retirement accounts, is to encourage long-term savings, again, by definition, for retirement. The proposal today makes a mockery of that concept, allowing withdrawals to begin only a few years after contributions have been made. It has nothing to do with retirement and has nothing to do with long-term savings. There is no benefit associated with contributions into these education IRAs. It is when the withdrawals are made that the benefit is realized. There are no taxes paid on withdrawals from the accounts, no matter how much the contributions have grown over time. So the benefits, therefore, are directly related to the length of time that the money remains in these accounts.

By allowing withdrawals only a few years after contributions have started,

this bill ensures that the only people who will be able to see any noticeable benefit at all from those accounts will be those who can afford the maximum contribution every year. In other words, the only people who will really benefit from this legislation are the wealthiest eligible Americans. According to the Department of the Treasury, the bill does exactly that; it concentrates the benefits of the legislation into the hands of the wealthy.

The Treasury Department analyzed a slightly different version of this tax scheme and calculated what we refer to as its distributional effects, that is to say, who gets what from a given proposal. That analysis found that 70 percent of the benefits would go to those Americans in the top 20 percent of the income scale. That is to say, families with annual incomes of at least $93,000. Fully 84 percent of the benefits would go to families making more than $75,000. The poorest people, the poorest families in the country, those at the bottom percent of the income scale, would receive 0.4 percent of the benefits.

So here we are saying we are going to do something to help education, and we turn the benefit on its head so that those who have the least get the least, those who have the most get the most, not based on ability to support education, not based on children's needs.

I do want to make it clear that the proposal we will debate tomorrow is slightly different than the proposal on which the Treasury Department estimates are based and so you may hear other figures. But the point has to be made that the distributional effect, the benefit of the bill going to the wealthiest Americans still holds as a valid point of observation with regard to this legislation.

Another point that was made by the analysis of this bill, this time by the Joint Committee on Taxation, is that more than half of the benefits of the bill would flow to the 12 percent of families whose children are already in private schools. So that is to say, most of the money will go to families with children in private schools.

There are right now in our country about 46 million children in public schools and about 6 million children in private schools. This bill would direct more than half of its benefits to the families of those 6 million children—half to 6 million, the other half to 46 million children.

Federal education policy, I believe, should be designed to help to improve the quality of education available to all American children, not just a small group of them.

I mentioned that this was, in my opinion, bad savings policy, bad tax policy and bad fiscal policy, but I would point out that it is also bad education policy. The bill is a backdoor way of diverting resources from public schools to the private schools. It represents a ploy to dismantle the public schools that, frankly, have made our country what it is today. Public education is central to the American dream of opportunity, and the rungs of the ladder of opportunity have always been crafted in the classroom. The public schools provide an opportunity for every child, no matter how wealthy or how poor. By diverting resources away from the public schools, we diminish the opportunities available to the vast majority of students who will be left then in the public school system. We will be essentially, again using the analogy, using a leech to cure whatever ails the public school system. That is not good education policy, and I think this legislation should therefore be rejected.

We cannot afford to leave any child behind. This voucher proposal, or tax scheme, whatever you want to call it, in that regard, presumes that a market-based solution will solve such problems that exist within our public school system. The plan presumes that by giving parents money to send their children out of the public schools and into private schools will somehow improve the quality of education available to our children. But by definition markets have winners and losers, and we cannot afford to lose any child in a game of educational roulette, or, more to the point, a game of educational triage in which we spin off or assist people to spin off the better students and the more affluent students into private systems.

Supporters of similar voucher plans claim that they will help the neediest children the most. Research, experience, and common sense suggest otherwise. Researchers have concluded that academically and socially disadvantaged students are less likely to benefit from school voucher programs. Voucher programs in Britain, in France, the Netherlands and Chile confirm this research. They led to increased economic and social segregation of students. They widened the gap between students, instead of narrowing it. In Chile, performance actually declined for low-income students. Of course, that is not surprising, because any use of public funds of this magnitude for private schools will require that fewer resources will be available to be devoted to public schools. Since the vast majority of low-income students will remain in the public schools, and the worst of these schools are for the most part already sorely underfunded, it makes sense that private school vouchers would further weaken the public school system.

Supporters of using Federal funds to support private schools claim that those schools are better managed, that they perform better and they cost less than the public schools. Again, the facts show otherwise. While it is true that some public schools are inefficient, vouchers, again, do not solve that problem; they only drain resources. What will solve the problem and what does solve the problem and has been shown to solve the problem with public education is parental and community involvement and good management.

In Chicago, in my State of Illinois, innovative leadership and a "no excuses" attitude have reshaped the school system in only 2 years. Under the new leadership there, in a few years the Chicago public schools will be transformed into a first-rate school system across the board. The innovations, the reforms, the initiatives that are being undertaken there in Chicago will benefit all 425,000 students in the public system, not just a select few who might benefit from a voucher scheme or a tax plan such as this legislation suggests.

Every mismanaged school needs to have the kind of leadership that, as we have demonstrated in Chicago, can work; not a draining off of what limited resources it already has. As for cost, private schools can charge less because only 17 percent of them—and you know the argument has been made that private schools can do it cheaper. But, again, look at the facts. Only 17 percent of the private schools provide special education, for example, and it costs at least twice as much to educate a disabled child. Remember that we have compulsory education in this country, so our public schools accept every child no matter the situation. No matter whether the children are disadvantaged or disabled or disruptive, the public schools accept them. If private schools were required by law to accept everyone, then it is likely that their costs would be commensurate with the costs in the public system.

Many private schools also limit admission to students with good academic records, and they do not have to accept the disruptive students. These selective admissions policies mean that in practice what would really happen is that instead of parents choosing a school for their children, the school would choose the children that it is willing to accept. Again, this is turning things upside-down in terms of education policy, because for a school to be able to decide that some group of children or some children should not be admitted seems to me to set up the kind of dichotomy that I do not think, in this country, we want to see develop. Vouchers in this situation and the tax scheme that's suggested in S. 1133 would offer false hope to parents and children who could be denied admission to selective private schools.

The Federal Government currently meets only about 6 percent of the costs of public education nationally. We do not even cover the costs of our mandated programs. The Presiding Officer

and I, when we first came to the Senate, worked on the issue of unfunded mandates and recognized that, in many instances, the Congress will tell local governments to do something, will give directions, but we do not pay the costs of those directives. Education is yet another example, and public education particularly is another example of unfunded mandates flowing to the schools that we do not pay for because, again, on average we pay about 6 percent of the costs of education.

For us now to further divert resources from an area where we are already not doing enough makes absolutely no sense, is counterproductive, and, it seems to me, flies in the face of our national obligation to see to it that no child is denied the opportunity to receive a quality education in America. But, transferring funds from public schools to private schools will not buy new textbooks for public school children nor will it encourage better teachers to go and work in the public schools. This tax scheme will not fix a single leaky roof or handle one set of management issues. It does nothing but, again, divert resources from a system already sorely in need and already grossly underfunded by our national contributions.

Here in the District of Columbia, and in all cities, many businesses and apartment buildings—and this is by way of an analogy—businesses and apartment buildings hire private security guards to supplement their security because they do not believe that the local police will do an adequate job in protecting them. Does that mean, then, that we should skim money off of what we give to the police departments so we can make it easier for businesses to hire private security guards? Or that those funds would be better spent improving the quality of law enforcement by draining money off to private security forces? I do not think so. If anything, we have a responsibility as a community to use our public resources toward the public welfare and the public good.

The reason we have compulsory education in this country is so that every child can receive a quality education. If our public schools are not all meeting that challenge, then it is our responsibility to fix them. It is our responsibility to engage in a partnership with the States and local governments, so that education can be the priority for our country that it must be. Spending taxpayers' dollars on private schools, again, is not going to fix a single public school.

One of the more troubling aspects of the legislation is the underlying premise that the public schools cannot succeed, that we just have to write them off. This bill says to America's public schoolteachers and principals and families with children in the schools, "You have failed." It starts a process of diverting resources from public schools to private schools, and it seems to me that is absolutely the wrong message.

There is, however, good news from public education. I think we need to talk about that a little bit. Again, relating to some of the innovations going on in Illinois, there is a consortium of some 20 school districts in the Chicago area. It is called the First in the World Consortium. They lived up to their name because in the international math and science tests of which I spoke earlier, this group of schools scored first in the world. They were all public school students and they scored first in math and science—the public school system, and they received the best results in the world in these areas.

The results of these tests prove that America's public schools can produce the best and the brightest students in the world if only they have the support, the resources and the tools with which to do the job. What does the First in the World Consortium have that too many of our schools lack? It is not the kids. It is not the makeup of the students. Our children are as capable of performance as children anywhere else in the world, whether they come from rich families or from poor families. We have some of the brightest students in the world, who only need the opportunity to learn. The difference, however, is what support we as a community provide for those children. The schools that comprise the First in the World Consortium have some of the best facilities in this country. They have small classes. They have modern technology. They have supportive communities. And they have engaged and involved parents and teachers.

We all, I think, have a responsibility to ensure that every American child will have access to the same kind of quality education that is made available in the public schools at the First in the World Consortium. The tax changes envisioned in this legislation will not accomplish that goal. The bill will not result, again, in the improvement of a single public school. The amendment which I hope to talk about suggests that we have to undertake a partnership between the State and local and National Governments to provide the kind of resources for public education that made our country the strongest in the world and will keep it the strongest in the world for the 21st Century.

This conversation is going to go on for a couple of days. I would like to leave you with an analogy which I think is absolutely appropriate when we talk about how we are going to address the challenge of education for the 21st Century.

There have been some arguments that it is not the Federal Government's job; that, indeed, it should be left to the locals to address education, and it is their job, it is their responsibility to see to it that the schools in a local community function well and provide quality education. I would point out to the Presiding Officer and to anyone else listening that that analogy fails altogether to recognize our national interest and our interest as a community of Americans in seeing to it that all children, whether they live in Chicago or California or Detroit or in Florida or in Georgia or in Alabama—that all children in this country receive the best possible education that we can give them. It is particularly important in this information age, given the technological revolution, because the command of and the ability to manipulate and use information will be more important in the workforce of the future than it is today. If we do not educate our children, we will, as a country, see a lessening in the ability of our national workforce to be productive in these global markets.

So, to use an analogy, when it comes to talking about what is our interest, why should the Senator from Illinois care about education for a child from North Dakota or why should the Senator from Illinois care about the education of a child in Alabama, the reason I care is I love my country and I care about the ability of my country to have a workforce that can function in this global economy. Just as in the 1950s it was seen as in our national interest to bring our country together, this debate holds the same promise. This debate will either turn on a vision of America that says we are all connected to each other, we all have a responsibility to each other, or it will turn on a vision of America that says, "I've got mine; you get yours. In your State, in your city, education is your problem."

I suggest the time for the finger-pointing on education has to stop. We have to form a partnership that will provide our schools with the resources that we will need to educate our children—all of them. Again, to use the analogy from the 1950s, President Eisenhower saw the value in providing our country with an interstate highway system. He brought America together by providing a system whereby the National Government would contribute to the construction and the development of roads all across this country. That interstate highway system brought us together as a nation and served our national interests in transportation.

The way that we are funding education currently would be the equivalent of saying to each and every community in America—which, of course, we are saying to each and every community in America—you go find the money from your local property tax base to provide for your schools. And if you don't have the money in your local

property taxes for your schools, it will just be too bad. To use the road analogy again, it's like saying in those communities that have a limited property tax base and in poor communities, they will have shoddy roads if any roads at all. The middle-class communities with moderate means will have kind of a hodgepodge and a mix of decent roads and kind-of-decent roads; and the wealthy communities will have the greatest roads in the world. But when you put it all together, you have not served transportation from one end of this country to the other. You have left the issue of transportation up to the resources of the specific and discrete communities and, more to the point, the property tax base that that community can resort to. That is how we fund education in this country. By relying on the local property tax base, we depend entirely on the accident of geography and demographics whether or not a child's school will be adequate to provide a quality education.

So I say to my colleagues that, as we look at this issue, let's find common ground, let's stop pointing fingers, and, as much the point, let's not continue to allow the kind of savage inequalities that exist among communities based on wealth to determine the future of our country in this 21st century global economy. If a community does not have the property tax resources to provide for educational opportunity, then that community ought to be supported in its efforts to educate its children by the State and by the National Government. We all have a role to play. We all have a contribution to make.

Again, finger pointing only hurts the children. I am going to, at this point, thank the Chair and yield the floor. I just say I look forward very much to continuing this debate in the upcoming days. I think it is one of the most important debates that we can take up as a Senate. I think the future of our country, indeed our national security, hangs on our ability to address in a sensible and workable and comprehensive way, the challenge of public education for the 21st Century.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, the parliamentary situation is such that we are in morning business and Senators are permitted to speak for up to 10 minutes; is that correct?

The PRESIDING OFFICER. The Senator is correct.

NATO EXPANSION

Mr. ROBERTS. Mr. President, the letter got lost in the mail. It never made it to President Yeltsin. It never made it to the radar crews in Russia. As a result, within minutes, Russian President Boris Yeltsin was brought a black nuclear command suitcase and for several minutes, wild confusion reigned in Russia, as Russia's command and control system was operating in a combat mode.

The letter was from the Norwegian Foreign Ministry, and it was routine. It informed the Russians and other surrounding countries that a joint United States and Norwegian research rocket would be launched to study the northern lights. As I say, it was a foulup, a bureaucratic foulup, and it prompted a hair-trigger war scare, a nuclear war scare, only 3 years ago.

Mr. President, I rise today to focus on this incident, because I believe it is the kind of discussion that we should carefully consider as we move to the debate on NATO and NATO expansion and the kind of debate that has not received much, if any, public attention.

I encourage my colleagues to read two articles that appeared in the Washington Post, Sunday the 15th of March and Monday the 16th. Those two articles focus on areas that I feel the United States should be most concerned about: United States-Russia relations and the status and the direction of the Russian nuclear forces and their command and control. The two articles, entitled "Cold War Doctrines Refuse To Die" and "Downsizing a Mighty Arsenal," are a two-part series by David Hoffman and paint a very discouraging picture.

The first article describes the January 25, 1995, launch, as I have indicated, of a joint Norwegian-United States research rocket off of Norway's northwest coast. For a brief period of time, the Russians actually mistook this launch as one from a U.S. submarine and a possible threat to Russia. Some analysts say that day we came as close as we ever have come to a counterlaunch by the Russians. The article further discusses the deteriorating state of the Russian command and control systems and early warning systems.

The second article discusses the impact of the economic problems on the Russian strategic weapons system. The author outlines the sad material and operational shape of the nuclear armored submarine and rocket forces. He states that the economic weaknesses of Russia will, outside of any bilateral agreements, drive the number of operational warheads to below START II levels.

I suppose many could be saying, "So, what's the problem? That's what we want, fewer weapons systems and nuclear warheads, right?" Well, it's not that easy. Certainly, the wanted downsizing should be a controlled, systematic, consistent process and not one that is as chaotic as the article certainly portrays.

My purpose today is to highlight this problem and to urge that the administration be more concerned and that the Congress be more concerned about United States-Russia relations. Opponents of NATO enlargement say our actions have resulted in a delay in the Duma's ratification of START II. They further state that because of the increased military capability of an enlarged NATO, Russia must depend on nuclear weapons as a first-use capability since their conventional forces are so weakened. Proponents of enlargement pretty much scoff at these assertions and state that although Russia does not like NATO enlargement, they need to "get over it." My concern is not to guess which camp is right but to say in our relations with Russia, we need to go slow, we need to ensure we fully understand the long-term implications of our actions.

My bottom-line concern and fear is that this administration has no long-range, overarching strategy in our relations with Russia. Unfortunately, I believe this is a hallmark in the President's foreign policy, just as we have seen in his policy in Bosnia and just as we have seen in his policy in Iraq. Where is the end game?

Russia is a huge country that does exist and does still have tens of thousands of nuclear warheads. They will play a major role in the future of Europe. Our choice, Mr. President, is to continue to treat them as a defeated foe—and too many in the Congress certainly have that view—or to work with them to continue to develop their form of government and their military consistent with our common values.

Mr. President, I ask unanimous consent that these two articles be printed in the RECORD. I understand the Government Printing Office estimates it will cost $1,616 to have these two articles printed in the RECORD.

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

[From the Washington Post, Mar. 15, 1998]

COLD-WAR DOCTRINES REFUSE TO DIE—FALSE ALERT AFTER '95 ROCKET LAUNCH SHOWS FRAGILITY OF AGING SAFEGUARDS

(By David Hoffman)

MOSCOW.—At dawn on the morning of Jan. 25, 1995, a four-stage Norwegian-U.S. joint research rocket, Black Brant XII, lifted off from an island off Norway's northwest coast. Ninety-three seconds after launch, the fourth stage burned out, hurling the rocket and its payload nearly straight up.

The rocket was designed to study the Northern Lights, but when it rose above the horizon, it turned into another kind of experiment—a test of the hair-trigger posture that still dominates the control of Russian and United States nuclear weapons.

The rocket was spotted by Russian early-warning radars. The radar operators sent an alert to Moscow. Within minutes, President Boris Yeltsin was brought his black nuclear-command suitcase. For several tense minutes, while Yeltsin spoke with his defense minister by telephone, confusion reigned.

Little is known about what Yeltsin said, but these may have been some of the most dangerous moments of the nuclear age. They

offer a glimpse of how the high-alert nuclear-launch mechanism of the Cold War remains in place, and how it could go disastrously wrong, even though the great superpower rivalry has ended.

Russia and the United States still rely on a doctrine that calls for making rapid-fire decisions about a possible nuclear attack. If a Russian president wants to retaliate before enemy missiles reach his soil, he has about eight minutes to decide what to do.

Yet, in the Norway episode, the information needed for such a momentous decision was unclear. Although eventually the Norwegian rocket fell into the ocean, it triggered a heightened level of alert throughout the Russian strategic forces, according to testimony to the U.S. Congress, and other sources, and marked the first time a Russian leader had to use his nuclear briefcase in a real alert.

Now that the superpower tensions have eased, so have the chances of a misunderstanding leading to nuclear war. But some Western experts say the Norway rocket episode may not be the last.

The reason is that Russia's system of early warning of a possible attack, and command and control of nuclear forces, is suffering many of the same problems plaguing the entire military. Russia inherited from the Soviet Union a system of radars and satellites, but after the Soviet break-up, many are no longer on Russian soil. Russia's six-year economic depression has led to hardship for many officers, including many who work in nuclear command installations, who receive low pay and lack permanent housing. The radar-and-satellite system is vulnerable because there are gaps in the network, which will grow more serious this year as yet another Russian radar station is closed in Latvia.

The prospect of a mistake "has become particularly dangerous since the end of the Cold War," Vladimir Belous, a retired general and leading Russian strategist, wrote recently. He added that "a fateful accident could plunge the world into the chaos of a thermonuclear catastrophe, contrary to political leaders' wishes.

The degradation of Russia's early-warning system comes as its strategic forces are also shrinking. The forces made up of nuclear-armed submarines, long-range bombers and intercontinental ballistic missiles built by the Soviets during the Cold War are declining dramatically in both numbers and quality. Within a decade, experts predict, Russia will have a nuclear arsenal just one-tenth the size of the Soviet Union's at the peak of the superpower rivalry, because of arms control treaties, looming obsolescence and Russia's economic depression.

The process is posing painful questions for Russia's political and military elite. They want to preserve Russia's place as a global power but cannot support the colossal forces and intricate systems that made up the Soviet nuclear deterrent.

What makes the radar and satellite gaps worrisome is that Russia still adheres to nuclear doctrines of the Soviet era. The overall deterrence concept is known as Mutual Assured Destruction, under which each side is held in check by the threat of annihilation by the other. One part of this cocked-pistols approach is "launch-on-warning," in which both sides threaten that if attacked they will unleash massive retaliation, even before the enemy warheads arrive. The idea is that such a hair-trigger stance will discourage either from attempting to strike first.

Russia also inherited from the Soviet Union a second, related approach, which is to preserve the ability to launch a retaliatory strike even after the enemy's warheads have hit. This is called "launch-on-attack." In Moscow, massive underground bunkers and a secret subway were built to protect the Soviet leadership so they could launch a retaliatory strike.

LOST IN THE BUREAUCRACY

The message from the Norwegian Foreign Ministry was routine. On Dec. 21, 1994, it sent out a letter to neighboring countries, including Russia, about the impending launch of the Black Brant XII, a four-stage research rocket, between Jan. 15 and Feb. 10, depending on weather conditions.

But the letter got lost in the Russian bureaucracy and never made it to the radar crews, as had past notifications. Norway had launched 607 scientific rockets since 1962. But the Black Brant XII was bigger than any of those. The rocket was a cooperative effort with the U.S. National Aeronautics and Space Administration, and was built with surplus U.S. rocket engines.

According to Peter Pry, a former CIA official who chronicles the episode in a coming book, "War Scare," the rocket "resembled a U.S. submarine-launched, multiple-stage ballistic missile." Theodore A. Postol, a professor at MIT, said that the Norwegian rocket may well have looked to the radar operators like a multistage missile launched from a Trident submarine. The launch occurred in a region considered, during the Cold War, to be a likely corridor for an incoming ballistic missile attack.

Anatoly Sokolov, the commander of the Russian radar forces, recalled shortly afterward that "what happened was an unscheduled training exercise. . . . We all found ourselves under stress." He said, "An officer on duty reported detecting a ballistic missile which started from the Norwegian territory. What kind of missile is it? What is its target? We were not informed. . . . If it had been launched on an optimal trajectory, its range would have been extended to 3,500 kilometers [2,175 miles], which, in fact, is the distance to Moscow."

"The thing is," he added, "the start of a civilian missile and a nuclear missile, especially at the initial stage of the flight trajectory, look practically the same."

The Black Brant XII triggered a tense chain reaction in Russia. According to Nikolai Devyanin, chief designer of the Russian nuclear "suitcase," the radar operators were under crushing pressure. They remembered how Mathias Rust, a German youth, flew a small plane through Soviet air defenses in 1987 and landed it in Red Square, shaking the Soviet hierarchy to its foundations. Moreover, in five or six minutes, the Norwegian missile could hit the Kola Peninsula, where Russia's nuclear-armed submarines are based.

Devyanin has said the radar operators could be reprimanded for sending out a false, panicky signal. But they also feared it was a real threat. So they decided to issue an alert that it was an unidentified missile, with an unknown destination.

The alert went to a general on duty. He, too, decided that it was better to send on the alert to the highest levels, than to be blamed for a disaster. One factor, Western officials said later, might have been fear that the lone missile would release a huge, debilitating electromagnetic pulse explosion to disarm Russia's command-and-control system, as a prelude to a broader onslaught.

At that point, the Russian electronic command-and-control network known as Kazbek, had come to life.

The duty general received his information from the radar operator on a special notification terminal, Krokus. He then passed it to the Kavkaz, a complex network of cables, radio signals, satellites and relays that is at the heart of the Russian command and control. From there, it caused an alert to go off on each of the three nuclear "footballs" in the Russian system: one with Yeltsin, one with then-Defense Minister Pavel Grachev and a third with the chief of the General Staff, then Mikhail Kolesnikov. The black suitcases were nicknamed Cheget.

The command-and-control system "was now operating in combat mode," Devyanin said. Yeltsin immediately got on the telephone with the others holding the black suitcases, and they monitored the rocket's flight on their terminals. (The actual launch orders are not given from the suitcase, only the permission to fire. The launching process, including ciphers, is controlled by the military's General Staff, which, in some circumstances, is authorized to act on its own.)

Devyanin noted a strange irony. The Cheget suitcase was a product of the final phrase of the Cold War, during the tense early 1980s, when Soviet leaders feared a sudden attack launched from Europe or nearby oceans. They needed a remote command system to cut down reaction time.

The suitcases were put into service just as Mikhail Gorbachev took office. Gorbachev, however, never used them in a real-time alert, officials said. The first serious alert came only after the end of the Cold War, on Yeltsin's watch.

Devyanin said that at the time he was disturbed by the way a misplaced document led to such high-level confusion. "The safety of mankind should not depend on anyone's carelessness," he said.

The day after the incident, Yeltsin announced that he had used the nuclear briefcase for the first time. Many in Russia dismissed his comment as a bit of bravado intended to divert attention from the debacle of the Chechen war, then just beginning to unfold.

Even today, Russian officials brush aside questions about the incident, saying it has been overblown in the West. Vladimir Dvorkin, director of the 4th Central Research Institute, a leading military think tank, said he saw no danger from the Norwegian alert, "none at all."

He added, "It's very difficult to make a decision" to launch, "maybe even impossible for civilized leaders. Even when a warning system gives you a signal about a massive attack, no one is ever going to make a decision, even an irrational leader alarmed that one missile has been fired. I think this is an empty alarm."

But the incident did set off alarms. Former CIA director R. James Woolsey told Congress in 1996 that the Russians went on "some sort of" alert, "not a full strategic alert, but, at least, a greater degree of strategic inquisitiveness."

Bruce Blair, a senior fellow at the Brookings Institution in Washington who has written extensively on the Soviet and Russian command-and-control systems, said a signal was sent to the Russian strategic forces to increase their combat readiness, but the crisis then ended. Blair said the significance of the episode was the confusion that marked the period during which Yeltsin would have had to make a real "launch-on-warning" decision. Blair pointed out that the Soviet Union and Russia have been through coup, rebellion and collapse over the last decade, and a leader may well be called on to make

crucial decisions at a time of enormous upheaval.

Postol said, "The Norwegian rocket launch is an important indicator of a serious underlying problem. It tells us something very important: People are on a high state of alert, when there is not a crisis. You can imagine what it would be like in a high state of tension."

Pry said that there have been other false alarms in the nuclear age, but none went as far as Jan. 25, 1995, which he described as "the single most dangerous moment of the nuclear missile age."

"PARTIALLY BLIND" RUSSIA

The first radar-blip warning of the Norwegian rocket came from the early-warning system built around the periphery of the Soviet Union. The concept of "launch-on-warning"—a quick-draw response to nuclear attack—depends on swift, reliable warning.

"Get it right, it makes no difference to us what kind of missile it is, meteorological, testing or combat," Sokolov, the Russian radar forces commander, said after the Norwegian episode. He said the radars are the "eyes and ears of the president."

But the Soviet collapse has muffled those sensors. The Soviet radar system was being modernized when the country fell apart. One of the new replacement radars, in Latvia, was torn down in May 1995. Russia won a temporary reprieve against closing two older radars in Latvia, but that agreement expires in August. Latvia recently announced it will not let Russia renew. The radar is one of those covering the critical northwestern direction.

Meanwhile, other radars used by Russia have been left in Ukraine, at Mykolayiv and Mukacheve; in Azerbaijan, at Mingacevir; and Kazakhstan, at Balqash. Some are functioning, but there have been disputes over finances and personnel. Russian authorities hope to complete an unfinished radar in Belarus to compensate for the loss in Latvia, but the prospects are uncertain.

Overall, only about half the original radars remain inside Russia. In addition, the system of satellites used for detecting missile launches is also depleted. There are two groups of satellites. One group in a high elliptical orbit monitors U.S. land-based missile fields, but cannot see missiles launched from the ocean. Russia has two other geostationary satellites but they do not provide complete coverage of the oceans, where U.S. Trident submarines patrol.

Postl has calculated that Russia has serious vulnerabilities in its early-warning network, especially given the highly accurate Trident II sea-launched ballistic missile system. For example, Russia could entirely miss a missile launched toward Moscow from the Pacific Ocean near Alaska because of radar gaps, he said.

"Russia is partially blind—that's absolutely correct," said a former air defense officer.

ADMONISHED BY YELTSIN

In January 1997, a group of workers at a small state-owned institute near St. Petersburg went on strike. The workers at the Scientific Production Corp. Impuls said they had not been paid for eight months.

The strike touched a nerve among those who knew about Impuls. Its founder, Taras Sokolov, pioneered the Russian nuclear command system, known as Signal. The workers at Impuls said they were fed up and would not go back to work until paid.

Within days, Defense Minister Igor Rodionov took an extraordinary step. He too was frustrated. He had devoted his career to the conventional army, but it was disintegrating before his eyes. Yeltsin was ill, and Rodionov could not reach him on the phone. Finally, he wrote an alarming letter to Yeltsin. He said the command-and-control systems for Russia's nuclear forces—including the deep underground bunkers and the early-warning system—were falling apart.

"No one today can guarantee the reliability of our control systems," Rodionov said. "Russia might soon reach the threshold beyond which its rockets and nuclear systems cannot be controlled."

A retired colonel, Robert Bykov, who had worked in some of the military's electronic command systems until 1991, echoed Rodionov's comments in an article he wrote for a mass-circulation newspaper, Komsomolskaya Pravda. Bykov said Rodionov was "absolutely correct." He added, "Even in my period of service, the equipment ceased functioning properly on more than one occasion, or certain parts of it spontaneously went into combat mode. You can imagine what is happening now."

In a lengthy interview, Bykov said he was the subject of an investigation by the Federal Security Service after the article appeared. Recalling his experiences, he said that periodically the central command system went into a "loss of regime" mode, which he described as a neutral position, where it could not send out commands. He said there were also a few incidents in which individual missile silos or regiments would report to the center that they were in "combat mode," but he said the main system could prevent any accidental launch.

Bykov's article had an impact outside Russia. It was picked up in a CIA report outlining Rodionov's concerns about nuclear command and control. The Washington Times disclosed the report on the day Rodionov arrived in Washington in May 1997 for a visit.

Rodionov recalled in an interview that he eventually had a meeting with Yeltsin. "You shouldn't have said that," Yeltsin admonished him, he said.

Rodionov said he drew up a plan for army reform that included drastic cuts in nuclear weapons, but never got a chance to take it out of his briefcase. He was dismissed and replaced by Igor Sergeyev, the head of the strategic rocket forces—a move crystallizing the new emphasis on nuclear deterrence.

Russian officials have repeatedly denied that the strategic forces command system is weakening. They say it has rigid controls against an accidental launch or theft. The U.S. strategic forces commander, Gen. Eugene Habiger, visited Russian command centers last fall and said they were "very much geared to a fail-safe mode" in which any command level "can inhibit a launch" of a missile.

But Sergeyev has acknowledged the system is growing old; most of the command posts were built more than 30 years ago. The rocket forces are also suffering shortages of trained personnel and severe social problems such as a lack of housing for 17,000 officers. A well-informed Russian expert on the command system said, "Today it's not dangerous but tomorrow it might be. It is going down. It has not reached the critical point. But the trends are down—days when designers are not paid, when money is not allocated for upkeep."

In the coming decade, Russia is to move toward a drastically curtailed nuclear force, one that will be just larger than those of China or of France and Britain combined. Some Russian strategists are already rethinking the Cold War doctrines that called for Moscow to deploy vast weapons systems carrying thousands of warheads for attack on the United States. With fewer weapons, limited finances, gaps in early warning, and the dissipation of Cold War rivalry, some analysts have urged Russia and the United States to take nuclear weapons off hair-trigger alert.

LOWERING THE RISK

Blair, the Brookings analyst, has been the chief proponent of "de-alerting," which he said "means we increase the time needed to launch forces from the current minutes to hours, days, weeks or longer, through a variety of measures like taking the warheads off the missiles." He added, "It would take them out of play, so there is a much lower risk of their mistaken use."

But in Russia, there is no clear sense of direction. If anything, analysts here said they think Russia may drift away from launch-on-warning. This is driven by necessity: The warning system is deteriorating. "Basically, the shift is being made already," said the Kremlin defense strategist.

However, others said the change is not certain. The Russian military elite was trained to think in global terms but now faces the reality of becoming a second-class power at a time of overwhelming American superiority. Russia may be reluctant to give up the threat of a launch-on-warning, at least formally.

"I think there will be some kind of transition period, 10 to 15 years," said Anatoly Diakov, director of the Center for Arms Control, Energy and Environmental Studies here. "Russia will save the opportunity to return to launch-on-warning, just in case. This is some kind of hedge against adverse developments. But the main priority will be a transition from launch-on-warning to a retaliatory" posture.

Asked whether Russia should give up launch-on-warning, Dvorkin said, "On even days, I think we should reject it. On odd days, I think we should keep it."

"Why?" he asked. "Because how is launch-on-warning dangerous? It's dangerous with a possible mistake in making the decision to launch." But, he added, "making this mistake in peacetime, a time like now, the likelihood is practically zero. Because the situation is quiet. Only if there is some increase in tension between countries, then the likelihood of a mistake increases."

Just the fact of having launch-on-warning, he said, would discourage both countries from returning to Cold War tensions. "We must sit quietly," he added, "like mice in our nook."

[From the Washington Post, Mar. 16, 1998]

DOWNSIZING A MIGHTY ARSENAL—MOSCOW RETHINKS ROLE AS ITS WEAPONS RUST

(By David Hoffman)

MOSCOW.—Russia's strategic forces, the vast phalanx of nuclear-armed submarines, bombers and intercontinental ballistic missiles built during the Cold War by the Soviet Union, are suffering a dramatic decline because of arms control treaties, the Soviet breakup, looming obsolescence and Russia's economic depression.

Regardless of whether the United States and Russia move ahead on bilateral arms-control treaties, a decade from now Russia's forces will be less than one-tenth the size they were at the peak of Soviet power, according to estimates prepared in Russia and in the West. Ten years from now, if current

economic trends continue, Russia may have a strategic nuclear force just larger than that of China, and somewhat larger than Britain's and France's combined.

This slide has enormous implications for Russia and the West that are only now beginning to emerge. For Russia, the decline has raised painful dilemmas about its place in the world, underscoring yet again the erosion of its superpower status.

At the same time, while the nuclear shield is shrinking, Russian leaders have decided to rely on the deterrent power of the nuclear weapons more than ever—to compensate for their even weaker and more chaotic conventional forces. President Boris Yeltsin recently signed a new national security doctrine that enshrines this idea. Russia also has dropped its pledge not to be the first to use nuclear weapons.

"All we have is the nuclear stick," said Lev Tolkov, a prominent Russian military strategist. "Of course, we should all together decrease this nuclear danger. But right now, we have nothing else. We're naked. Can you imagine that?"

Some Russian strategists are beginning to look for an exit from the arms-race mentality of the Cold War, a way that would preserve Russia's membership in the nuclear club, perhaps even its Great Power status, but without the enormous drag on its resources. One recent proposal is for Russia simply to abandon the bilateral arms-control process with the United States and go its way with a small, independent nuclear force.

In Moscow, leading politicians and military experts are also looking, nervously, not at the West, but at Russia's long, sparsely populated southern and eastern borders, toward China and the Islamic world, where they see the real future threats to Russian interests.

In the West, too, the decline of Russia's strategic forces could have serious repercussions, raising questions about sizes and posture of U.S. forces. Some see it as a chance for the United States to pursue still-deeper cuts in nuclear weapons, including a new strategic arms agreement, that would keep Washington and Moscow at approximate balance, "locking in" the lower Russian levels with formal treaties. Also, some experts say both sides should remove the still-tense nuclear-alert posture of the Cold War.

But there is also resistance from those who urge caution. For example, in the 1994 nuclear posture review, the Clinton administration decided to create a "hedge" of warheads against the prospects of future uncertainty in Russia and to preserve the existing U.S. structure of land-sea-air forces. Some argue that, as the only global superpower, the United States does not need to match the steep Russian decline. And Russia's woes may embolden backers of building a ballistic missile defense system.

Only a decade ago, when the Soviet arsenal hit its peak, the Pentagon warned that a parade of new weapons systems was being deployed, including the SS-18 Satan missile, the supersonic Blackjack bomber, and the giant Typhoon ballistic-missile submarine. The Pentagon's annual "Soviet Military Power" tract declared that "the most striking feature of Soviet military power today is the extraordinary momentum of its offensive strategic nuclear force modernization."

Today, that momentum has stopped. The Typhoons, Satans and Blackjacks are doomed. Russia, the sole heir of the Soviet nuclear forces, still has thousands of warheads. But the mechanical leviathans needed to carry them are deteriorating.

The Russian landscape is littered with stark evidence of this decline. At Russia's Northern and Far Eastern ports, nuclear-powered submarines are piling up in watery junkyards. The largest group of Blackjack bombers is rusting away in Ukraine. Even the core of the Russian strategic deterrent, the missile force, is expected to shrink dramatically in the years ahead, although Russia is trying to deploy a new class of land-based intercontinental ballistic missiles. But so far, only two rockets have been put on duty, three years behind schedule.

SILENT FACTORIES AND SHIPYARDS

Moreover, most of the huge factories and shipyards that rolled out the giant Soviet arms buildup in the 1980s have fallen silent. In many cases the experts who built them have simply disappeared.

Like the United States, Russia has a three-legged structure of nuclear forces: a triad of land, sea and air weapons. But Russia's triad may cease to exist over the next decade. Most likely, experts say, the long-range bombers, which have always been the least significant leg of the Russian triad, will become obsolescent, leaving a diminished submarine fleet and land-based rocket forces to carry the nuclear deterrent.

How far and how fast the Russian forces decline depends on whether the now-moribund economy can recover. But independent estimates by authoritative Russian and Western experts show the same outcome in the next 10 to 15 years—movement toward a drastically reduced nuclear force. The result is being decided today; weapons take decades to design and build but almost none are in the works, and existing programs are starved for money.

According to the estimates, Russia's nuclear forces are shrinking even faster than the START II treaty will require. The treaty, which called for both sides to have between 3,500 and 3,000 warheads, was signed five years ago but has yet to be ratified by the lower house of the Russian parliament, the State Duma.

Even more striking, Russian and Western specialists now estimate that, if the economy remains flat, Russia probably cannot even sustain the level of nuclear weapons envisioned just a year ago for a follow-on treaty, START III. In a meeting at Helsinki last March, Clinton and Yeltsin set the target for this treaty as 2,000 to 2,500 warheads on each side. Both treaties would be implemented by 2007 but warheads would be deactivated by 2003.

More likely, Russian and Western specialists said, Russia will wind up with an arsenal of 1,000 to 1,500 warheads a decade from now. However, it could fall to half that if the economy does not recover. That would put Russia in a league with China, which is estimated to have 400 warheads today—or roughly equivalent to the total by Britain, with 260, and France, with 440.

Volkov, the Russian military analyst, recently estimated that even with robust economic growth, Russia will have only 700 warheads a decade from now. Sergei Kortunov, a top Kremlin defense aide, has written that "with a lot of effort" Russia might reach 1,000 warheads by 2015.

By contrast, according to the Natural Resources Defense Council in Washington, the Soviet Union in 1990 had 10,779 strategic nuclear warheads. (This does not include the estimated 6,000 to 13,000 nonstrategic, smaller nuclear charges Russia also still possesses, which have never been covered by arms control treaties.)

The U.S. strategic forces are relatively modern. The land-based Minuteman missiles, Trident submarines and B-52 bombers are expected to remain in service for a long-time. Gen. Eugene Habiger, commander of the U.S. strategic forces, said recently, "I do not see the United States even thinking about having to modernize any of our forces until the year 2020."

NUCLEAR-AGE "GRAVEYARDS"

Boris Yeltsin has always been unpredictable while abroad, and last Dec. 2 he popped another surprise. On a visit to Stockholm, he declared: "I am here making public for the first time that we, in a unilateral manner, are reducing by another third the number of nuclear warheads."

Yeltsin's press secretary, Sergei Yastrzhembsky, said he was referring to a future START III arms control treaty with the United States. But later back in Moscow, a senior Russian defense strategist shook his head at Yastrzhembsky's explanation.

"To tell you the truth, I was bewildered," he said. Yeltsin's comment captured perfectly what is happening to Russian strategic forces, he added.

The decline was set in motion by the START I treaty, now being implemented. Russia has made cuts mostly by eliminating missiles it inherited from Belarus, Ukraine and Kazakhstan. Looming are deeper cuts in the forces now inside Russia, mandated by START II. But even more important than the treaties, the ebb of Russia's strategic forces is being driven by a simple fact: They are running out of steam, out of money, and out of time.

For example, in its 1989 report on Soviet military power, the Pentagon warned about the deployment of the Blackjack bomber, the Russian supersonic Tu-160. With low-mounted, swept-back wings and a long pointed nose, the plane was the most powerful combat aircraft in the Soviet air force, and was deployed with nuclear-armed AS-15 cruise missiles. Although the Soviet Union had planned to build 100 Blackjacks, only 25 were deployed. They had many malfunctions, but the biggest problem came on the day the Soviet Union fell apart: Most of the Blackjacks were not in Russia.

Nineteen Blackjack bombers were parked in Ukraine, where they remain. Years of negotiation between Russia and Ukraine for repurchase of the bombers by Russia have gone nowhere. According to Jane's Intelligence Review, the planes have practically lost their combat value.

Russia has only six Blackjacks, built in 1991, currently deployed at the Engels air base in the Volga region, but a Russian military source said only four of them are combat-ready. There are a few more Blackjacks partially finished or being used as trainers. Russia also has a fleet of older Tu-95 Bear bombers.

Russia's submarine fleet is the least vulnerable leg of the strategic triad—while the submarines are hidden under the ocean. But the navy is also in trouble. A.D. Baker III, editor of Combat Fleets of the World, said that at the present rate of decline, Russia's strategic-missile submarine fleet "will be virtually extinct within a decade." At the end of 1997, he said, for the first time since the 1930s, the Russian navy had fewer operational submarines of all types than did the U.S. Navy.

Of 62 strategic submarines deployed by the Soviet Union in 1990, the Russian navy currently has only 28, and by some recent reports, as few as 23 are operational. Most of the rest have been junked or are waiting to be.

At a peak of the Cold War tensions, 20 to 22 submarines were at sea. Today, there are usually two, and they do not go far.

One of the fearsome symbols of Soviet power was the Typhoon, the largest submarine ever built—each accommodating 20 missiles with 10 warheads apiece. The six Typhoons completed between 1980 and 1989 could, in the event of a nuclear attack, send 1,200 nuclear warheads aloft.

But today only half the Typhoons are working. Three of the huge boats have been taken out of service. A new missile planned for them has yet to materialize, and it is unclear whether they will ever sail again.

Russia started construction in November 1996 on a new generation of strategic submarine, the Borey class, at the Severodvinsk shipyard in the north. But according to Baker, only 1 percent of the first submarine has been completed in 15 months of work, and the new missile planned for it has failed four times.

In addition to preserving its strategic submarine fleet, the navy is facing other pressing financial obligations. One of the most persistent headaches is that submarines have a service life of 25 to 30 years, but most undergo an interim overhaul every seven or eight years. For lack of financing for these repairs, many vessels are being retired early.

So far, 152 submarines have been retired officially and more are unofficially in line to be retired. A huge backlog of nuclear-powered vessels awaiting dismantling is building up in the Northern and Far Eastern ports, which environmentalists and others have warned has the potential for a naval disaster similar to that at the Chernobyl nuclear power plant in 1986.

"We have whole graveyards of nuclear weapons and we don't know what to do with them," Said Georgi Arbatov, a prominent strategist and adviser to Soviet leaders.

The core of Russian strategic forces is the land-based, continent-spanning missiles. But the clock is ticking for them, too.

Most of the missiles built in the 1970s and '80s are due to be retired or decommissioned if the START II treaty is ratified. This includes the 10-warhead "heavy" missile, the SS–18, which embodied the destabilizing threat of multiple-warhead missiles. Russia's force of SS–19 six-warhead missiles would also be reduced, and fixed with only one warhead each. The abolition of multiple warheads was the chief accomplishment of the START II treaty.

Some Russian politicians have threatened that Moscow could return to multiple-warhead missiles if it had to, but military experts pour cold water on the idea. It would be "senseless from the military point of view and impossible from the economic point of view," Said Vladimir Dvorkin, director of the 4th Central Research Institute, the once-secret think tank for the Russian rocket forces.

A BRICK WALL OF OBSOLESCENCE

If START II is not ratified, the Russian missile forces will nonetheless hit a brick wall of obsolescence in the next decade. Gen. Vladimir Yakovlev, chief of the strategic rocket forces, said recently that 62 percent of Russia's missiles are already beyond their guaranteed service life. For the Russian military, this is often flexible. But there are serious problems: As the factories that made the missiles grind to a halt, and the workers and designers leave for other jobs, the problem of maintenance becomes acute. Scavenging for spare parts is common.

"They have to decide," said a Western diplomat, "what is the risk? And, what choice do they have?"

The Russian military has repeatedly test-fired old rockets to see if they still work. They usually hit their targets. But last spring, according to one source, when a Typhoon attempted to fire 20 older rockets as part of a destruction routine, only 19 missiles came out. One failed to launch.

Volkov said: "Everything ends. In 22 or 23 years, a moment comes when everything starts to collapse or fall apart. Each piece of equipment has a moment when the construction simply get old. You can change the equipment, you can change small things. But when the silo, the container, the body of the missile, when they are corroded, fungus eats through the metal, things start to grow on it—God knows what."

Dvorkin said there is an expensive, labor-intensive drive to stretch out missile-service life. "But of course, we can't hope that we can do it endlessly," he said. "Not a single builder or scientist can tell you right now how long we can extend it. "He added that eventually it becomes more costly to fix the rockets than to buy new ones.

The Strategic Rocket Forces are already struggling to deploy a new missile, the three-stage Topol-M, to be the core of Russia's future deterrent. That missile, both road-mobile and silo-based, is built entirely within Russia and designers have said its payload contains still-secret means for slipping through antimissile defenses.

The main question about the Topol-M is not so much technology as money and time. In December, the first two rockets were installed in an old SS–19 silo near Saratov, on the Volga River. Yakovlev said Russia hopes to deploy 10 missiles this year, but needs another $600 million before production can start. In the Soviet era, the Votkinsk factory, which builds the missiles in the central Urals mountains, made about 80 rockets a year. But now there are doubts about whether Russia can afford just 10 a year.

LOOKING FOR AN EXIT

For Russian strategic planners, the choices are painful. The Cold War is over but its immense and destructive hardware remains in place. Russia hungers for global prestige; many see the nuclear arsenal as its last remaining calling card as a great power. But Russia can't afford to sustain it any longer.

Some prominent military and political analysts have begun to talk about finding a way out of the cocked-trigger nuclear embrace with the United States, if only because Russia's dwindling forces demand it.

"The model of nuclear deterrence that existed during the Cold War must of course be radically changed," Dvorkin said, "since it is senseless right now to deter the United States from an attack, nuclear or conventional, on Russia."

Sergei Rogov, director of the USA-Canada Institute and a leading strategic analyst, said Russia and the United States have settled their long ideological struggle, but not even begun to wind down the nuclear threat. The 1994 agreement by Clinton and Yeltsin that missiles will not be targeted at each other was "a step back from this trigger-happy situation," he said, but it was "a gimmick, because it's reversible in one or two minutes." In fact, according to a Russian specialist, the Russian missiles can be re-targeted in 10 to 15 seconds.

Rogov said both countries still preserve intact the doctrine of Mutual Assured Destruction, a Cold War legacy under which both sides threaten to respond to an attack by wreaking massive damage on the other. "You don't threaten your 'strategic partner' with assured destruction 24 hours a day," Rogov said, "We need to abandon the Mutual Assured Destruction conditions with the United States."

But the traditional arms control process is at an impasse. The Duma has refused to ratify the START II agreement. Without it, the United States has refused to begin formal negotiations on deeper cuts in a START III treaty. Many of Russia's top military strategists are eager to move ahead with deeper, joint reductions that would match the looming obsolescence of their forces.

At the same time, there is a new line of thinking that Russia should abandon bilateral negotiations with the United States and instead create a small and "sufficient" nuclear force, not unlike France's independent nuclear posture.

In an article just published in a Russian academic journal, Kremlin defense aide Kortunov and Vladimir Bogomolov, of the rocket forces, suggested Russia keep an independent force of 1,000 warheads. They argued that this would "allow Russia to choose and adopt her own nuclear strategy." They said Russia could do this unilaterally and "there will be no need for new talks" with the United States.

Among Russia's military and political elite there is also a strong consensus that the West is no longer Russia's strategic adversary—and that the nuclear face-off is burdensome, diverting resources from other real problems. Many have concluded that Russia, with a long, sparsely populated southern border, needs to deter potential threats from the south and east—from the Islamic world and China—over the coming decade.

"I don't think Russia will have to worry about its western borders," said a top Kremlin security specialist. "This will give us more time to pay attention to the southern borders."

RUSSIA'S DWINDLING ARSENAL—RUSSIAN STRATEGIC WEAPONS, 1990-2012

The level of Russia's forces could change depending on the country's economy and how Russia decides to structure its forces. These estimates for future years are based on interviews by The Washington Post with Russian and Western experts. Levels will be even lower if the Russian economy does not recover.

TOTAL WARHEADS

1990	10,779
1997	6,260
2007	1,200
2012	700
Start-2 level	3,500
Start-3 level	2,000–2,500

RUSSIAN OPERATIONAL STRATEGIC NUCLEAR FORCES, 1998

Type	NATO designation	No. deployed	Year	Range (miles)	Total warheads
Bombers:					
Tu–95M	Bear–H6	29	1984	7,953	174
Tu–95M	Bear H16	35	1984	7,953	560
Tu–160	Blackjack	6	1987	6,835	72
Intercontinental ballistic missiles:					
SS–18	Satan	180	1979	6,835	1,800
SS–19	Stiletto	165	1980	6,214	990
SS–24	M1/M2 Scalpel	36/10	1987	6,214	460
SS–25	Sickle	360	1985	6,524	360
Sea-launched ballistic missiles:					
SS–N–18	M1 Stingray	192	1978	4,039	576
SS–N–20	Sturgeon	80	1983	5,157	800
SS–N–23	Skiff	112	1986	5,592	448
Total		1,205			6,240

Source: "Taking Stock, Worldwide Nuclear Deployments, 1998," by William Arkin, Robert S. Norris and Joshua Handler, Natural Resources Defense Council, 1998.

RUSSIAN SUBMARINE PATROLS PER YEAR, 1991–96

1991	55
1992	37
1993	32
1994	33
1995	27
1996	26

Source: U.S. Office of Naval Intelligence, released under FOIA to Princeton Center for Energy and Environmental Studies.

Mr. ROBERTS. I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. I thank the Chair.

(The remarks of Mr. KENNEDY pertaining to the introduction of S. 1789 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

IMPLEMENTATION OF KASSEBAUM-KENNEDY HEALTH INSURANCE REFORM LEGISLATION

Mr. KENNEDY. Mr. President, a recent GAO report makes clear that significant insurance company abuses are undercutting the effectiveness of one of the key parts of the Kassebaum-Kennedy health insurance reforms enacted in 1996.

President Clinton announced today that he has called for vigorous enforcement against companies that are violating the law. But it is abundantly clear that additional action by Congress is needed to end the worst abuse—price-gouging by the insurance industry. I intend to introduce legislation this week to block that irresponsible practice.

Individuals who lose their group coverage and attempt to obtain individual coverage are being charged exorbitant premiums by insurance companies. We recognized that potential problem in 1996, but Republican opposition blocked any Federal role in preventing such abuse, on the ground that state regulation would be an adequate remedy. As the GAO report makes clear, state regulation is no match for insurance industry price-gouging.

The 1996 legislation was enacted in response to several serious problems. Large numbers of Americans felt locked into their jobs because of preexisting health conditions which would have subjected them to exclusions coverage if they changed jobs.

Many more who did change jobs found themselves and members of their families exposed to devastating financial risks because of exclusions for such conditions. Other families faced the same problems if their employers changed insurance plans. Still others were unable to buy individual coverage because of health problems if they left their job or lost their job and did not have access to employer-based coverage.

The legislation addressed each of these problems. It banned exclusions for pre-existing conditions for people who maintained coverage, even if they changed jobs or changed insurers. It required insurance companies to sell insurance policies to small businesses and individuals losing group coverage, regardless of their health status. It banned higher charges for those in poor health in employment-based groups.

A GAO study in 1995 had found that 25 million Americans faced one or more of these problems and would be helped by the Kassebaum-Kennedy proposal. For the vast majority of these Americans, the legislation is working well. They can change jobs without fear of new exclusions for pre-existing conditions, denial of coverage, or insurance company gouging.

But as the GAO study makes clear, many of the two million people a year who lose employer-based group coverage are vulnerable to flagrant industry price-gouging if they try to purchase individual coverage.

When the 1996 act was moving through Congress, Democrats sought to place clear federal limits on these premiums for individual coverage. The Republican majority in Congress and the insurance companies refused to compromise on this issue—and restrictions on price-gouging were largely left to state law. Many States have put limits on such premiums, or enacted special group coverage for high-risk persons.

But too many states have failed to act effectively to prevent abuse. In addition to price-gouging, some companies have encouraged insurance agents to refuse to sell policies to individuals and imposed long waiting periods for coverage of particular illnesses and other unacceptable practices.

The verdict of experience is in. The GAO report makes clear that insurance companies are guilty of abuse beyond a reasonable doubt, and Congress has to act.

COVERDELL TAX BILL

Mr. KENNEDY. Mr. President, on the issue that is before us, which is basically the Coverdell education proposal, I will take a few moments of the Senate's time to express my strong reservations in opposition to the proposal, and I will outline the reasons why.

Public schools need help—and this "do-nothing" bill doesn't even get us to the front door. In fact, it goes in the opposite direction, by earmarking most of its aid to go to private schools.

The nation's students deserve modern schools with world-class teachers. But too many students in too many schools in too many communities across the country fail to achieve that standard. The latest international survey of math and science achievement confirms the urgent need to raise standards of performance for schools, teachers, and students alike. It is shameful that America's twelfth graders rank among the lowest of the 22 nations participating in this international survey of math and science.

The nation's schools are facing enormous problems of physical decay. 14 million children in a third of the schools are learning in substandard school buildings. Half the schools have at least one unsatisfactory environmental condition.

Massachusetts is no exception. Mr. President, 41% of Massachusetts schools report that at least one building needs extensive repair or should be replaced; 75% report serious problems in their buildings, such as plumbing or heating defects; 80% have at least one unsatisfactory environmental factor.

The challenge is clear. We must do all we can to improve teaching and learning for all students across the nation. That means: We must continue to support efforts to raise academic standards; we must test students early, so that we know where they need help in time to make that help effective; we must provide better training for current and new teachers, so that they are well-prepared to teach to high standards; we must reduce class size, to help students obtain the individual attention they need and we must provide after-school programs to make constructive alternatives available to students and keep them off the streets, away from drugs, and out of trouble. We must provide greater resources to repay or modernize the Nation's school buildings in order to meet the urgent needs of schools for up-to-date facilities.

I oppose the Coverdell bill because it does nothing to improve the public schools. Instead, it uses regressive tax policy to subsidize vouchers for private schools. It does not give any real financial help to low-income working and middle-class families, and it does not help children in the Nation's classrooms. What it does is provide an unjustified tax giveaway to the wealthy and to private schools.

Public education is one of the great success stories of American democracy. It makes no sense for Congress to undermine it. This bill turns its back on the Nation's longstanding support of public schools and earmarks tax dollars for private schools. It is an unwarranted step in the wrong direction for education, for public schools, and for the Nation's children. Senator COVERDELL's proposal would spend $1.6 billion over the next 10 years on subsidies to help wealthy people pay the private school expenses they already pay and do nothing to help children in public schools get a better education.

This chart I have is based on the Joint Tax Committee memo, which is the committee designated by the Congress to review tax bills and provide analysis of various tax changes. The Joint Tax Committee memo demonstrates the distorted priorities of the

Coverdell bill. The bill has a $1.6 billion price tax over the next ten years—and half the benefits—$800 million—go to the 7 percent of families with children in private schools. That's an eight hundred million dollar tax bread for the tiny fraction of parents with children in private schools. That's unacceptable, when public schools are desperate for additional help.

We have nothing against the private schools. They are superb in many circumstances. But, scarce tax dollars should go to the public schools that have great needs.

We should invest scarce resources in ways that will help children raise academic performance and enhance their abilities? That is my test and the Coverdell bill fails it.

The Joint Tax Committee memo also estimates that while 83 percent of private school families will use this tax break, only 30 percent of public school families will use it.

The majority of the tax benefits will go to families in high income brackets, who can already afford to send their children to private school.

But working families and low-income families do not have enough assets and savings to participate in this IRA scheme. This regressive bill does not help working families struggling to pay day-to-day expenses during their children's school years.

The Joint Tax Committee memo says that the few public school families that do use the provision will get an average tax benefit of $7—$7! That means that a working family has to find $2,000 in extra resources in order to get back $7. This education bill does nothing for education. It simply provides a tax shelter for the rich.

The majority of families will get almost no tax break from this legislation. 70 percent of the benefit goes to families in the top 20 percent of the income bracket. Families earning less than $50,000 a year will get a tax cut of $2.50 from this legislation—$2.50! You can't even buy a good box of crayons for that amount. Families in the lowest income brackets—those making less than $17,000 a year—will get a tax cut of all of $1—$1! But, a family earning over $93,000 will get $97.

Even families who can save enough to be able to participate in this IRA scheme will receive little benefit. IRAs work best when the investment is long-term. But in this scheme, money will be taken out each year of a child's education. Only the wealthiest families will be able to take advantage of this tax-free savings account.

Proponents of this bill argue that assistance is available for families to send their children to any school, public or private. But that argument is false. The fact is, the public schools do not charge tuition. Therefore, the 90 percent of the children who attend the public schools do not need help in paying tuition. What they do need is the best possible education. We should be doing much more to support efforts to improve local schools. We should oppose any plan that would undermine those efforts.

On this next chart, it is clear that this bill disproportionately benefits families with children already in private school. Of the 35 million public school families, 30 percent could use the Coverdell IRA. But 83 percent of the 2.9 million private school families could use the IRA.

Again, the issue of fairness. The issue of the test should be what is going to benefit children and enhance their academic achievement. This particular proposal does not meet this test. The Coverdell bill is a back-door attack on public education, and it should be defeated.

Scarce tax dollars should be targeted to public schools. They don't have the luxury of closing their doors to students who pose special challenges, such as children with disabilities, limited-English-proficient children, or homeless students. This bill will not help children who need help the most.

Proponents say it will increase choice for parents, but the parental choice is a mirage. Private schools apply different rules than public schools. Public schools must accept all children. Private schools can decide whether to accept a child or not. The real choice goes to the schools, not the parents. The better the private school, the more parents and students are turned away. Public schools must accept all children and build programs to meet their needs. Private schools only accept children who fit the guidelines of their existing policy. We should not use public tax dollars to support schools that select some children and reject others. This bill is bad tax policy, bad education policy. It does not improve public education for the 90 percent of the children who go to public schools. Therefore, it is not an appropriate allocation of tax dollars.

This bill is simply private school vouchers under another name. It is wrong for Congress to subsidize private schools. Our goal is to improve public schools, not abandon them.

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

The PRESIDING OFFICER (Mr. HUTCHINSON). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

(The remarks of Mr. KEMPTHORNE pertaining to the submission of S. Con. Res. 84 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

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

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

VISIT TO THE SENATE BY KING HUSSEIN OF JORDAN

Mr. HELMS. Mr. President, it is my honor at this moment to present a distinguished guest to the U.S. Senate. His Majesty, the King of Jordan, King Hussein. I will suggest that we have a brief quorum call so that Senators can be notified to get here.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that at 4 p.m. today the Senate proceed to executive session to begin consideration of the NATO treaty, for opening statements only, and the time between 4 p.m. and 7 p.m. be equally divided between Senators HELMS or BIDEN or their designees.

I further ask that at 11:30 a.m. on Wednesday the Senate proceed to H.R. 2646 and that Senator ROTH be immediately recognized to offer an amendment.

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

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, we are encouraging all Senators to return to the floor at 5 p.m. this afternoon for the introduction of a resolution. We do have a briefing at this time in S-407 with Mr. Butler, who is the head of the UNSCOM group. As soon as that is completed at 5, we have a resolution that we think all Senators would be interested in supporting and commenting on. We will introduce that resolution at that time.

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

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

EXECUTIVE SESSION

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND THE CZECH REPUBLIC

The PRESIDING OFFICER. Under the previous order, the clerk will report Executive Calendar No. 16.

The legislative clerk read as follows:

Treaty Document 105-36. Protocols to the North Atlantic Treaty of 1949 on Accession of Poland, Hungary, and the Czech Republic.

Mr. HELMS addressed the Chair.

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

Mr. HELMS. Mr. President, half of the 20th century ago, Poland, Hungary, and the Czech Republic were consigned to communist domination because of expedient and short-sighted policies of the West. Less than a decade ago, communism was overthrown and the desire for freedom in Eastern Europe prevailed over totalitarian government. Dictatorships fell to democracy like falling leaves in Autumn.

The new democracies in Eastern Europe, already nearing the state of permanent fixtures, have existed for less time than they did between World War I and World War II. Then, like now, their ultimate survival was taken for granted.

Yet, even now, in the late twentieth century, European nations are again torn asunder by ethnic hatreds and religious division. Reconstruction of the empires of the past century—a century as bloody as any known to man—still plays prominently in the minds of some nationalists and despots. Today, as in 1949, the defense of democracy will keep the United States out of European wars.

History may judge the collapse of communism in Europe to be largely a result of NATO's success in containing the massive, external threat posed by the Soviet Union. But the end of the Cold War does not mean the end of threats to freedom and liberty.

In the famous words of Thomas Jefferson: "The price of liberty is eternal vigilance". We must remain vigilant against the reemergence of old threats from the century past, even as we prepare for the new threats of the century to come. In the judgment of this Senator, an expanded NATO will do both.

Thus, we consider today one of the more important foreign policy matters to come before the Senate in some time; the protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary and the Czech Republic into NATO. In approving this resolution the Senate has the opportunity to remedy this historical injustice of Yalta, to secure democracy in Central Europe, and to advance the national security interests of the United States of America. I confess that because the extension of security guarantees is a very serious undertaking, and should be made only when it is in the national security interests of the United States.

Mr. President, the membership of Poland, Hungary, and the Czech Republic in the NATO alliance does serve the national security interests of the United States. I want to say why.

The Foreign Relations Committee, of which I am chairman, and honored to be so, has given its utmost attention to this question. The Committee's examination of NATO expansion has taken place over the course of four years, and has included a dozen hearings and nearly fifty witnesses representing the *full* spectrum of views on this issue. We have published a hearing record alone that is 552 pages long.

I extend my thanks to the many Foreign Relations Committee members who have taken this task so seriously, including Senator BIDEN, LUGAR, GORDON SMITH, and, of course, the distinguished Senator from Nebraska, Mr. HAGEL. I also commend Senator BILL ROTH for his leadership in the 28-member Senate NATO Observer Group. In Fact, through the combined efforts of the Foreign Relations Committee and the NATO Observer Group, 41 Senators have had the opportunity to engage closely in the review of NATO enlargement over the course of the past year.

The Resolution of Ratification was carefully written to address major areas of concern and to clarify issues that arose during the Committee's consideration. It is the product of a robust debate with the Administration—a debate that from the very start was premised upon my desire to be supportive of NATO expansion, but always guided by the necessity to achieve that goal in a manner that fully secures the interests of the United States.

I insisted upon that, and I insist upon that to this day. And we have done that with the resolution which is now the pending business.

That resolution, Mr. President, by the way, was approved by the Foreign Relations Committee 16 to 2, and it includes seven declarations and four conditions. In general, let me run down the list.

In general, the resolution reiterates the vital national security interest of NATO membership for the United States;

It lays out the strategic rationale for the inclusion of Poland, Hungary, and the Czech Republic in NATO;

It calls for continued U.S. leadership of NATO without interference from other institutions such as the United Nations;

It supports full and equal membership in NATO for the three new members;

It encourages the development of a constructive relationship between NATO and the Russian Federation if the Russian Federation remains committed to democratic reforms;

It emphasizes that Europeans also must work to advance political and economic stability in Europe;

It emphasizes that while NATO is open to new members, the United States has not invited any new members at this time;

It declares the Senate's understanding that NATO's central purpose remains the defense of its members and requires full consultation by the Executive Branch on any proposals to revise this mission;

It requires the President to certify the Senate's understandings on the cost, benefits, and military implications of NATO enlargement and requires annual reports, for five years, on several key elements of Alliance burdensharing;

It clearly defines the limits on the NATO-Russia relationship; and

It reiterates the constitutionally-based principles of treaty interpretation and appropriate role of the Senate in the consideration of treaties.

NATO expansion has been endorsed by a number of respected foreign policy leaders—past and present—e.g., former President George Bush, Jeanne Kirkpatrick, Casper Weinberger, Dick Cheney, Henry Kissinger, Zbigniew Brzezinski and Richard Perle. It has the strong backing of foreign leaders of known moral courage and principle, including Margaret Thatcher, Lech Walesa, and Vaclav Havel. We have received messages of endorsement from every living Secretary of State, numerous former secretaries of defense and national security advisors, and over sixty flag and general officers including five distinguished former Chairmen of the Joint Chiefs of Staff.

More important, we have heard from the American people. Organizations representing literally tens of millions of average Americans including the diverse ethnic community, religious groups, civic organizations, veterans organizations, and business groups support this measure.

In 1949, when the Alliance was founded, the decision entailed some risks. The same is true today. But we who support an expanded NATO are convinced that the collective defense of democratic nations in Europe and North America serves the interests of our nation.

A half century ago we found our allies in this cause among the ashes and ruin of World War II. Today, with the collapse of communism, we have found three new allies in the continued defense of democracy.

If Europe is indeed on the threshold of an era of peace, as some suggest, then the inclusion of Poland, Hungary and the Czech Republic in NATO will

hardly merit a footnote in history. In fact, NATO will gradually fade from the scene as it relevance diminishes. But if the threat to liberty proves more resilient, how grateful we will be for these three allies.

With the expansion of the NATO alliance, we have the opportunity to right an historical injustice. By accepting Poland, Hungary and the Czech Republic into NATO, we reconnect them to the democratic West—a union that was severed by first Hitler, then Stalin. All Americans should welcome these nations as they finally become equal partners in the community of democratic nations, thereby ensuring that their new democracies shall never again fall victim to tyranny.

Mr. President, I believe this resolution will be approved with an overwhelmingly positive vote, an unmistakable vote of confidence for the democracies of Eastern Europe who, having been given a second chance at freedom this century, understand the price they must pay to preserve it.

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

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

PRIVILEGE OF THE FLOOR

Mr. HELMS. Mr. President, I must leave the floor to take an important telephone call. Before I go, I see the distinguished Senator from New Hampshire, whom I respect highly, and I hope he will have a few words to say about this.

But I ask unanimous consent that the staff members of the Senate Foreign Relations Committee be granted floor privileges for the duration of the debate on this enlargement, and I ask unanimous consent that a list of the names of the staff members be printed in the RECORD.

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

STAFF MEMBERS—FOREIGN RELATIONS COMMITTEE

Andrew Anderson, Christa Bailey, Steve Biegun, Marshall Billingslea, Beth Bonargo, Ellen Bork, Sherry Grandjean, Garrett Grigsby, Patti McNerney, Kirsten Madison, Roger Noriega, Bud Nance, Susan Oursler, Dany Pletka, Marc Thiessen, Chris Walker, Natasha Watson, Michael Westphal, Michael Wilner, Beth Wilson, Alex Rodriguez, Lauren Shedd, Gina Abercrombie-Winstanley, Martha Davis, Ed Hall, Mike Haltzel, Frank Jannuzi, Ed Levine, Erin Logan, Brian McKeon, Ursula McManus, Janice O'Connell, Diana Ohlbaum, Dawn Ratiff, Munro Richardson, Nancy Stetson, Puneet Talwar.

Mr. HELMS. I thank the Chair. 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. SMITH of New Hampshire. 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. SMITH of New Hampshire. Mr. President, I assume the pending business is the NATO enlargement?

The PRESIDING OFFICER. The Senator is correct.

Mr. SMITH of New Hampshire. Mr. President, the Senate now is about to engage in a great debate, a debate that is very important to our country and, indeed, to the world. I had hoped that we could have postponed this debate somewhat, for a number of reasons. NATO itself is planning to put out a report on the requirements, costs and feasibility of enlargement sometime in May. Originally this debate was scheduled to come up in May, and now it has been moved up to mid-March. It is no secret that I am an opponent of enlargement, for reasons that I will go into somewhat today and, of course, later on as the debate continues. But I also feel very strongly—as some of my colleagues did who signed a letter to the leader, on both sides of the aisle—that we need more time to debate this, to understand fully what we are doing.

I think that, when you first look at this issue, you might come to the conclusion that after being subjected to the tyranny of communism for 45 years, somehow these nations have earned a place in the NATO alliance. I think the nations certainly have earned their freedom, without question. They paid a heavy price for it. But so did the United States of America. We spent about $6 trillion in the Cold War to defeat Soviet communism.

From the time I first came to the Congress, in 1985, I have been a strong supporter of our military and a strong supporter of the NATO alliance—which, by the way, is a military alliance, which sometimes I think people forget. It was a military alliance created to thwart the attempt of the Soviet Union to attack Western Europe and conquer it with its massive armies.

But today there is no massive Soviet Army. There is no Soviet Union. Is Russia unstable? Of course it is. But it is not the Soviet Union and it is not the same threat that NATO was designed to contain. As we begin this debate, so many of our colleagues on the other side have said expanding NATO is a great idea, and that we need to move forward as quickly as possible. I have been around a few years on this Earth, and I have generally found that if something is a good idea today, it will probably be a good idea tomorrow. If it is a good idea tomorrow, it will probably be a good idea next month or perhaps even a year from now.

So I wonder what the hurry is. I wonder why panic has set in among so many proponents of enlargement. It seems to me that, if it is a good idea, then a healthy debate ought not to ring the curtain down on it. But there appears to be some fear, I guess, that adding more time to the debate might change the outcome. I hope it does. I hope we have enough time to change the outcome, because I sincerely believe, after a lot of review on this issue, that we are making a serious mistake.

Let me offer some of the reasons for opposing NATO enlargement. Given the administration's support and that of a lot of very prominent people of both political parties—there has been a very impressive outside lobbying effort by a lot of people—the political pressure has been very strong for moving this forward. Again, the date has been moved forward, from May to March. But I believe the Senate should take its advice and consent role with treaties very, very seriously. This is a matter for advice and consent, and I have a hard time understanding how one can adequately advise and adequately consent if we are being told that the resolution of ratification has to be voted on now, with minimum debate.

The distinguished chairman of the Foreign Relations Committee is now on the floor. I know he had an extensive period of debate on this issue in his committee. Unfortunately, I am not a member of that committee. Sometimes I wish I were, because I admire the chairman greatly, but I am not. However, I am a member of the Armed Services Committee, and we are having a hearing this Thursday on NATO enlargement. I would like to be able to digest the information that we will receive there. Unfortunately, that hearing will now fall right in the middle of the debate, so it will be difficult to reflect on the hearing with the debate already underway.

As doubts have begun to appear, it has been somewhat disconcerting to see the proponents of NATO enlargement, the expansionists, so afraid that the Senate might carefully deliberate on this issue. As I said, if it is a good idea today, it ought to be a good idea a month from now or perhaps even a year from now. I might also add, only two countries in NATO have voted to broaden the alliance and bring in new members.

Some have suggested that those of us who are opposed to expansion are not committed to European security. If there is any Senator in the U.S. Senate who has a stronger record of support of the NATO alliance, or has a stronger anti-Communist record than I, I would like to know who that Senator is. Perhaps, Mr. President, they are really anxious for us to vote because they fear the case for enlargement might not bear the scrutiny that we are about to give it.

I have no plausible ulterior motive for opposing enlargement, and I am as

anti-Communist and tough on the Russians as anybody alive. But this is not about communism anymore, although it appears some still think it is.

Since coming to Congress in 1985, I have enthusiastically supported spending billions of dollars for the defense of Europe. As a matter of fact, the United States spent roughly $6 trillion on defense during the Cold War, much of it directly for the defense of Europe. A lot of American lives were lost in wars against communists, and millions of Americans served in uniform at great sacrifice to their own families to contribute to the security of Europe. So, with the greatest respect for those countries that now seek membership in NATO, I do not think we owe anything to anybody. I have weighed all the alleged benefits, I have looked at the potential risks, and I have come to a number of conclusions which I would like to cite here.

First, if Europe or North America were truly threatened by Russia, the question of financial cost would be as irrelevant now as it was during the Cold War. Would we have gotten into a debate about how much it was going to cost if the Soviet Union had attacked North America? or attacked Europe? I don't think so. But for the foreseeable future—and I emphasize "foreseeable future"—Russia does not pose a conventional threat to any country in Europe.

What is the conventional threat from Russia? They do not have a capable army. They have removed most of the conventional weapons, the tanks, and other items of warfare that would be associated with a standing army. I am unaware of any credible analysis of their military that disagrees with that conclusion. So, cost is an issue today because, unlike during the Cold War, we are not sure what we are buying.

Second, I cannot imagine a worse long-term strategy for European security than jeopardizing United States-Russian relations. We have fought now for 50 years, first to defeat communism and to rid the world of the Soviet Union, and now to bring Russia and the Independent States back into the family of democratic nations. Russia is not there yet. We know that. Russia has many problems. But their once-mighty military is gone, for all intents and purposes.

Regardless of what experts and even United States Senators may say, Russia opposes NATO expansion. Of course, that does not mean that we should. Russia does not dictate our foreign policy. In fact, as chairman of the Subcommittee on Strategic Forces in the U.S. Armed Services Committee, I routinely confront Russia on matters of arms control, proliferation, and national missile defense. These are important things to confront them about. But extending an alliance that she considers hostile to the countries that she cannot threaten is basically kicking the Russians for no reason. History tells us that this is unwise.

You see, I think some are still in the Cold War looking at a 21st-century issue. I want to be talking to the Russians about national missile defense, about weapons proliferation, about arms control, about the ABM Treaty, and about how we can hopefully work together for the sake of keeping the peace in the world. This is far more important than picking 3 nations as winners—Hungary, the Czech Republic, and Poland—and ignoring 14 or 15 others who could also make a compelling case to come in. And we have now said: "You, you, and you, can come in." And to take this token step, we are putting at risk progress with Russia on arms control, proliferation, missile defense and the ABM Treaty.

I think we could be engaging the Russians to promote a world in the 21st century that has no dividing line between Western and Eastern Europe or dividing line between all of Europe and Russia. In the 21st century, I want this to be a world of peace. The 20th century was a world of war. I want to try to build something in the 21st century by looking ahead instead of thinking in the past. How do we do that? We engage the Russians on these issues, instead of antagonizing them or insulting them; we engage them. I think then, when the 21st century comes, we will see a Europe that is united with all nations in the European Union—united, friendly, cooperative in their economies, for the most part; perhaps even in their monetary system; and certainly acting as democratic nations with a common military bond.

But in addition, I hope to see a Russia that is a buffer between Islamic fundamentalism and China, a buffer between Europe and those two entities, Islamic fundamentalism and China, two very, very dangerous philosophies looming out there. One, China, has nuclear, biological, and chemical weapons of mass destruction and the means to deliver them. Fundamentalist Islamic countries are getting these weapons. We want a Russia that is going to be a buffer against these threats. We want a Russia that is a part of the West. For 50 years we have dreamed of the day that we could make this happen.

I am not some George McGovern liberal talking here. I am one who has been fighting the Soviet Union for 50 years, as many others have in both political parties. But we need to look ahead, think a little bit into the future about what we are doing. We are beginning to carve up Europe again, picking Hungary, the Czech Republic, and Poland and putting them on the right side of the line. But what is the threat to Hungary, the Czech Republic, and Poland today from Russia? I have not heard anybody tell me what it is.

If Russia decides to build its defenses back up—and it very well may happen—if they decide to turn to communism again, or some other brute-force-type government, if that even begins to happen, we can take the necessary steps, including the expansion of NATO. But why do it before we have to? Why pass up the greatest opportunity we have had in 75 years to bring the Russian people into the West? We have that opportunity. It would be a crime to pass it up. Declining to expand NATO now does not in any way prevent us from doing so in the future. There is absolutely no reason why we cannot do this in the future —no reason. If somebody can come on the floor and explain to me why we cannot do this a year from now, or 2 years from now, if the danger so exists, I would like to hear that argument.

It doesn't prevent us from doing it. Adding three insiders—Poland, the Czech Republic, and Hungary—creates a whole category of outsiders who say, "Well, why not us? We were dominated by the Soviet Union. Why are you picking them over us?"

So you are going to subject NATO almost annually to the perpetual anguish of, "Am I next?" Latvia, Estonia, Romania, on and on down the line. "When is it my turn to come into NATO?" And meanwhile, while focusing on a cold war alliance, we continue to ignore what we want to do, which is to bring Russia into the Western World.

With the end of the cold war, NATO now faces serious internal issues about its means and ends which should be aired and resolved before new countries are added. Enlargement is a token and, frankly, an unimaginative distraction from these real problems. We saw this in the debate in the Persian Gulf crisis last month. Many NATO countries weren't with us.

Mr. President, I hope that we will think very carefully about this. It is a hardnosed decision about extending a military guarantee to a precise piece of territory under a specific set of strategic circumstances; it should not be a sentimental decision about a moral commitment to Europe. We already have that.

What do we really want to accomplish? Do we really want to accomplish another line drawn through Europe this year, perhaps extending that line through another part of Europe next year and another line bringing in another nation the following year and continue this cold-war-era attitude? Or do we want to build a world where the United States and a strong Europe and a strong, democratic Russia can be a buffer, a source of power to confront Islamic fundamentalism and perhaps—perhaps—Communist China? I think we are being shortsighted, and I am going to get into more detail as to why later in the debate. Mr. President, I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Delaware.

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

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

PRIVILEGE OF THE FLOOR

Mr. ROTH. Mr. President, I ask unanimous consent that Kurt Volker, a legislative fellow in Senator MCCAIN's office; Bob Nickle and Ian Brzezinski of my office; and Stan Sloan, who is a member of the CRS, be granted the privilege of the floor throughout the entire debate and any vote on the protocols to the North Atlantic Treaty on Hungary, Poland and the Czech Republic.

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

Mr. ROTH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

RECOGNIZING THE COURAGE AND SACRIFICE OF SENATOR JOHN MCCAIN AND MEMBERS OF THE ARMED FORCES HELD AS PRISONERS OF WAR DURING THE VIETNAM CONFLICT

Mr. LOTT. Mr. President, as in legislative session, I ask unanimous consent that the Senate immediately proceed to the consideration of a resolution which I now send to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 196) recognizing and calling on all Americans to recognize the courage and sacrifice of Senator John McCain and the members of the Armed Forces held as prisoners of war during the Vietnam conflict and stating that the American people will not forget that more than 2,000 members of the Armed Forces remain unaccounted for from the Vietnam conflict and will continue to press for the fullest possible accounting for all such members whose whereabouts are unknown.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that there now be 20 minutes for debate on the resolution equally divided in the usual form and that, at the expiration of that time, the resolution be agreed to and the preamble be agreed to.

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

Mr. LOTT. Mr. President, I would like to read just some portions of this resolution and then comment briefly on why we are doing it today:

Whereas, JOHN MCCAIN's A-4E Skyhawk was shot down over Hanoi, North Vietnam, on October 26, 1967, and he remained in captivity until March 14, 1973;

Whereas, JOHN MCCAIN's aircraft was shorn of its right wing by a Surface to Air Missile and he plunged toward the ground at about 400 knots prior to ejecting;

Whereas, upon ejection, JOHN MCCAIN's right knee and both arms were broken;

Whereas, JOHN MCCAIN was surrounded by an angry mob who kicked him and spit on him, stabbed him with bayonets and smashed his shoulder with a rifle. . .;

Whereas, historians of the Vietnam war have recorded that "no American reached the prison camp of Hoa Lo in worse condition than JOHN MCCAIN."

Whereas, his North Vietnamese captors recognized JOHN MCCAIN came from a distinguished military family—

I might add, a family from my great State of Mississippi—

and caused him to suffer special beatings, special interrogations, and the cruel offer of a possible early release;

Whereas, JOHN MCCAIN sat in prison in Hanoi for over 5 years, risking life from disease and medical complications resulting from his injuries, steadfastly refusing to cooperate with his enemy captors because his sense of honor and duty would not permit him to even consider an early release on special advantage;

Whereas, knowing his refusal to leave early may well result [or might have resulted] in his own death from his injuries, JOHN MCCAIN told another prisoner, "I don't think that's the right thing to do. . ..They'll have to drag me out of here."

Whereas, following the Peace Accords [in Paris] in January 1973, 591 United States prisoners of war were released from captivity by North Vietnam. . .;

Whereas, Senator JOHN MCCAIN of Arizona has continued to honor the Nation with devoted service; and

Whereas, the Nation owes a debt of gratitude to JOHN MCCAIN and all of these patriots for their courage and exemplary service: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its gratitude for, and calls upon all Americans to reflect upon and show their gratitude for, the courage and sacrifice of JOHN MCCAIN and the brave men who were held as prisoners of war during the Vietnam conflict, particularly on the occasion of the 25th anniversary of Operation Homecoming, and the return to the United States of Senator JOHN MCCAIN.

Mr. President, in our daily duties, we quite often pass by men and women who have made a tremendous sacrifice in their lives or maybe have just done small things for individuals along the way. We begin to take them for granted. We begin to forget to say, "Thank you for what you have done for me or for your fellow man or woman or for your country."

Today at our policy luncheon, one of our members stood up and reminded us that it was 25 years ago today that John MCCAIN came home. There was a spontaneous applause and standing ovation, and it extended for a long period of time and extended a real warmth.

While in the Senate sometimes we get after each other in debate and we don't approve of this or that, I really felt extremely emotional when I thought about the sacrifice that this man had made for his country and for his fellow men and women in the military and for his fellow prisoners of war. I realized that we had not said thank you to him, and that when we say thank you on behalf of a grateful country to John MCCAIN, we are saying thank you also to all the men and women who served our country in uniform, who have been prisoners of war and, yes, those who are still missing in action to this very day.

So, I think it is appropriate that we in the Senate today adopt this resolution in recognition of the 25th anniversary of JOHN MCCAIN, but also as an extended expression of our appreciation for all of those who served our country in such a magnanimous way. I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I join with the majority leader and with all of my colleagues in reflecting upon this moment and in joining with him in offering our gratitude and our congratulations to this American hero.

It may have been 25 years, and with years memories fade, but no one should ever forget the commitment made by JOHN MCCAIN and people like him on behalf of their country. They and their families can never forget the pain, the sacrifice, the commitment.

Someone once said that democracy is something one either has to fight for or work at. JOHN MCCAIN has done both—fighting for democracy, as none of us could ever appreciate, and working at democracy as he does with us each and every day.

There are thousands and thousands of people who have made a similar commitment, and were they here, I know that we would articulate in much the same sincere fashion our expression of gratitude to them.

So, in some ways, JOHN MCCAIN not only represents his own experience, but that of all those he served with so valiantly during the Vietnam war.

I join with my colleague TRENT LOTT, the majority leader, in recognizing that there are things that never go away: the importance of commitment, the recognition of the need for sacrifice, the continued need to work at and fight for democracy in this and in other countries.

A resolution of this nature is certainly fitting, and on behalf of all of our colleagues, I hope we can say with unanimity, "Thank you, thank you, JOHN MCCAIN."

Mr. FEINGOLD. Mr. President, I am proud to take this opportunity to honor my good friend and colleague from Arizona, Senator JOHN MCCAIN in the twenty-fifth anniversary of the homecoming of our American prisoners of war from Vietnam.

What a career our friend JOHN MCCAIN has had: A graduate of the Naval Academy, twenty-two years as a naval aviator, a prisoner of war for five years, a recipient of numerous awards including the Purple Heart and Silver Star and a member of this body since 1986. I am honored to have worked so closely with him in the past and look forward to joining forces with him again in the future. JOHN, I join with others in the Senate in celebrating the anniversary of your coming home and the coming home of those who served with you.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, as my colleagues well know, I am not often at a loss for words. I certainly am at this time.

I would like to, first of all, express my appreciation to Senator LOTT and Senator DASCHLE, two honorable adversaries who continue to struggle on the ideological playing field, but do so in the most honorable and dignified fashion that reflects credit on the U.S. Senate and on them.

I was very moved today at the luncheon when my colleagues applauded so warmly the commemoration of this date. I am also very deeply moved by this resolution. I accept with some humility the accolades and kind words that have been said about me and also that are in this resolution.

I know that all of my colleagues recognize that I accept these words not on my own behalf but on behalf of two groups of people—one is those that I had the privilege of serving with in Vietnam, many of whom suffered far more than I did and displayed much higher degrees of courage. They are the ones I knew best and loved most and whose companionship I will treasure for as long as I live. But I also accept these very kind words on behalf of the real heroes of that very unhappy and tragic chapter in American history, and those are the heroes whose names appear on the wall at the memorial not very far from this building. They were called and they served with honor. The honor was in their service in what was a very unpopular enterprise and one for which the American people took a long time before we adequately thanked them for their service. They were brave young people, most of them 18 or 19 years of age, who felt that answering the country's call was the most honorable of all professions. So on their behalf and that of their families who still mourn their loss, I accept for them with humility and with pride, because as we all know it is very easy to embark on a popular enterprise; it is much more difficult to serve in one which is fraught with controversy. And sometimes the young people who did return were not given the appreciation nor the accolades that they deserved for their service.

So on behalf of those who cannot speak here today, whose names appear on the wall, I say thank you, and we will renew our dedication to see that never again do we send our young people to fight and die in conflict unless the goal is victory and we are prepared to devote all the resources at our disposal to winning that victory as quickly as possible. Although that didn't happen in that case, we cherish their memory, and for as long as Americans celebrate the service and sacrifice of young men, we will honor their memory. I thank you.

The PRESIDING OFFICER. Under the previous order, Senate Resolution 196 is agreed to and the preamble is agreed to.

The resolution (S. Res. 196) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 196

Whereas participation by the United States Armed Forces in combat operations in Southeast Asia during the period from 1964 through 1972 resulted in several hundreds of members of the United States Armed Forces being taken prisoner by North Vietnamese, Pathet Lao, and Viet Cong enemy forces;

Whereas John McCain's A-4E Skyhawk was shot down over Hanoi, North Vietnam on October 26, 1967 and he remained in captivity until March 14, 1973.

Whereas John McCain's aircraft was shorn of it's right wing by a Surface to Air Missile and he plunged toward the ground at about 400 knots prior to ejecting;

Whereas upon ejection, John McCain's right knee and both arms were broken;

Whereas John McCain was surrounded by an angry mob who kicked him and spit on him, stabbed him with bayonets and smashed his shoulder with a rifle.

Whereas United States prisoners of war in Southeast Asia were held in a number of facilities, the most notorious of which was Hoa Lo Prison in downtown Hanoi, dubbed the 'Hanoi Hilton' by the prisoners held there;

Whereas historians of the Vietnam war have recorded that "no American reached the prison camp of Hoa Lo in worse condition than John McCain."

Whereas his North Vietnamese captors recognized that John McCain came from a distinguished military family and caused him to suffer special beatings, special interrogations, and the cruel offer of a possible early release;

Whereas John McCain sat in prison in Hanoi for over 5 years, risking death from disease and medical complications resulting from his injuries, steadfastly refusing to cooperate with his enemy captors because his sense of honor and duty would not permit him to even consider an early release based on special advantage;

Whereas knowing his refusal to leave early may well result in his own death from his injuries John McCain told another prisoner "I don't think that's the right thing to do—They'll have to drag me out of here"

Whereas, following the Paris Peace Accords of January 1973, 591 United States prisoners of war were released from captivity by North Vietnam;

Whereas the return of these prisoners of war to United States Control and to their families and comrades was designated Operation Homecoming;

Whereas many members of the United States Armed Forces who were taken prisoner as a result of ground or aerial combat in Southeast Asia have not returned to their loved ones and their whereabouts remain unknown;

Whereas United States prisoners of war in Southeast Asia were routinely subjected to brutal mistreatment, including beatings, torture, starvation, and denial of medical attention;

Whereas the hundreds of United States prisoners of war held in the Hanoi Hilton and other facilities persevered under terrible conditions;

Whereas the prisoners were frequently isolated from each other and prohibited from speaking to each other;

Whereas the prisoners nevertheless, at great personal risk, devised a means to communicate with each other through a code transmitted by tapping on cell walls;

Whereas then-Commander James B. Stockdale, United States Navy, who upon the capture on September 9, 1965, became the senior POW officer present in the Hanoi Hilton, delivered to his men a message that was to sustain them during their ordeal, as follows: Remember, you are Americans. With faith in God, trust in one another, and devotion to your country, you will overcome. You will triumph;

Whereas the men held as prisoners of war during the Vietnam conflict truly represent all that is best about America;

Whereas Senator John McCain of Arizona has continued to honor the Nation with devoted service; and

Whereas the Nation owes a debt of gratitude to John McCain and all of these patriots for their courage and exemplary service: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its gratitude for, and calls upon all Americans to reflect upon and show their gratitude for, the courage and sacrifice of John McCain and the brave men who were held as prisoners of war during the Vietnam conflict, particularly on the occasion of the 25th anniversary of Operation Homecoming, and the return to the United States of Senator John McCain,

(2) acting on behalf of all Americans—

(A) will not forget that more than 2,000 members of the United States Armed Forces remain unaccounted for from the Vietnam conflict; and

(B) will continue to press for the fullest possible accounting for such members.

Mr. WARNER. Parliamentary inquiry. Is it in order to ask to be an original cosponsor of the resolution?

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

Mr. WARNER. I thank the Chair.

EXECUTIVE SESSION

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND THE CZECH REPUBLIC

Mr. ROTH. Mr. President, peace and stability in Europe are among America's most vital security interests. In support of these interests, NATO has been the cornerstone of American leadership in Europe and the foundation for security and peace on that continent.

The Alliance serves the transatlantic community not only as a proven deterrent against aggression, but also as an unmatched instrument of integration and trust—two key pillars of peace and stability. Through NATO, old enemies have not only been reconciled, but now stand side by side as allies; national defense policies are coordinated between nations that half a century ago were at war; and, on a day to day basis, consultation, joint planning, joint training and cooperation between these countries reinforce the trust and commitment to the shared values that underpin this alliance of democracies.

Nearly a decade ago, "velvet revolutions" championed by the likes of Lech Walesa and Vaclav Havel renewed freedom in Central Europe. These remarkable and peaceful revolutions tore down the Iron Curtain that divided the continent and provided the basis upon which democracy is now flourishing.

Today, nearly a decade after the collapse of the Berlin Wall, we begin formal consideration of a resolution of ratification that would extend NATO membership to Poland, the Czech Republic, and Hungary. Few votes before the Senate have as much far-reaching significance as this.

This vote concerns not only the integration of these three democracies into the Alliance, it is also very much about the strategic relationship between the United States and Europe. It is about America's role in Europe and the ability of the transatlantic community to respond to challenges of the future—both of which hinge on whether the United States wishes to remain a European power and whether we desire a unified, democratic, and larger Europe to remain linked to America.

The case I would like to make today is that NATO enlargement is consistent with the moral and strategic imperatives of the Euro-Atlantic relationship. It is central to the vitality of the trans-atlantic community, to the future of a stable and peaceful Europe and, thus, to the ability of America and Europe to work together effectively in promoting common interests in the 21st century.

Inclusion of Poland, the Czech Republic, and Hungary into the Alliance will strengthen NATO. It will make NATO militarily more capable and Europe more secure. These three democracies have demonstrated their commitment to the values and interests shared by NATO members: human rights, equal justice under the law, and free markets. Each has a growing economy and a military under civilian control.

It is important to note that they also contributed forces to Operation Desert Storm, as well as to our peacekeeping missions in Haiti and Bosnia. They were among the first countries to commit forces to serve side by side with the United States in the stand-off against Saddam Hussein. The admission of these three democracies will add an additional 200,000 troops to the Alliance, thereby strengthening its ability to fulfill its core mission of collective defense.

NATO enlargement will eliminate immoral and destabilizing lines in Europe, a division established by Stalin and perpetuated by the Cold War. The extension of NATO membership to Poland, the Czech Republic, and Hungary is an imperative consistent with the moral underpinning of U.S. foreign policy and the North Atlantic Treaty that established the Alliance in 1949. Indeed, Article 10 of the Treaty states that membership is open to "any other European state in a position to further the principles of this treaty and to contribute to the security of the North Atlantic area."

Mr President, this powerful statement reflects the emphasis the Alliance places on democracy and inclusivity.

But NATO enlargement is not driven just by moral imperatives. It is also a policy rooted in strategic self-interest and driven by objective political, economic, and military criteria.

Indeed, for these reasons, NATO has expanded three times since its founding, and continued enlargement will expand the zone of peace, democracy, and stability in Europe. This benefits all countries in Europe, including a democratizing Russia.

Throughout its history, Europe has been a landscape of many insecure small powers, a few imperialistic great powers, and too many conflicting nationalist policies, each creating friction with the other. Twice in this century, these dynamics pulled America into wars on the European continent. They contributed directly to a prolonged Cold War. And the potential for them to create conflict in the future is all too real unless we seize opportunities like the one before us. As Vaclav Havel put it, "If the West does not stabilize the East, the East will destabilize the West." Every time America has withdrawn its influence from Europe, trouble has followed. This we cannot afford.

Mr. President, NATO enlargement is the surest means of doing for Central and Eastern Europe what American leadership, through the Alliance, has done so well for Western Europe. This includes promoting and institutionalizing trust, cooperation, coordination, and communication. In this way, NATO enlargement is not an act of altruism, but one of self-interest.

Allow me to reemphasize that NATO enlargement benefits all democracies in Europe, including Russia. I say this because there are still those who assert that NATO enlargement is a policy that mistreats Moscow, thereby repeating mistakes made in the Versailles Treaty. That argument is dead wrong. It ignores the hand of partnership and assistance that the West, including NATO, has extended Russia. Last May, the NATO-Russia Founding Act was signed, providing the foundation for not only enhanced consultation, but also unprecedented defense cooperation. Today, Russian troops serve with NATO forces in Bosnia. And, unlike the punishing economic retribution carried out under the Versailles regime, the West has extended some $100 billion since 1991 to help Russia's democratic and economic reforms, including over $2 billion in weapon dismantlement and security assistance.

Others suggest NATO enlargement endangers a positive relationship between Russia and the West. The United States and its NATO allies will not always share common interests with Russia, irrespective of NATO enlargement. Differences over Iraq, Iran, the Caucasus, arms sales, and religious freedom are not related to NATO enlargement. Moscow will always have its own independent motivations. Unfortunately, there are still those in Moscow who reject NATO enlargement out of a desire to preserve Russia's sphere of influence. Let us not give credibility to the likes of Vladimir Zhirinovsky by acceding to these demands.

As I have written with my colleague Senator LUGAR, the bottom line is that if Russia cannot accept the legitimate right of its neighbors to choose their own defensive security arrangements, then NATO's role in Central and Eastern Europe is even more important.

Keeping the above arguments in mind, it follows that the costs of enlargement are insignificant to the costs of rejecting NATO enlargement. I urge my colleagues to consider three severe costs that would be incurred should the Senate fail to ratify NATO membership for Poland, the Czech Republic and Hungary:

A rejection of NATO enlargement would prompt a massive crisis in America's role as the leader of the transatlantic community. NATO enlargement is a policy that has been championed by the United States, including the United States Senate. Rejection of the resolution before us would vindicate those in Europe who express doubt and who resent U.S. leadership.

Rejection of this resolution would spread massive disillusionment across

Central Europe. It would stimulate a pervasive feeling of abandonment and rekindle a sense of historic despair. This could prompt political crises. It would surely prompt a turn to more nationalist policies—including nationalist defense policies. A rejection of enlargement would reverse the remarkable development of European security around an Alliance-determined agenda—a development in no small way facilitated by the process of NATO enlargement.

Rejection of this resolution would undercut Russia's democratic evolution, stimulating Russian imperialist nostalgia. It would give great credibility to those in Russia who argue that Russia is entitled to a sphere of influence in Central Europe. That would be at the expense of those who desire Moscow to focus on the priorities of economic and political reform.

NATO enlargement is a critical, nonthreatening complement to the hand of partnership that the West and NATO have extended to Russia. It ensures the secure and stable regional context in which a democratic Russia will have the best prospects for a normal, cooperative relationship with its European neighbors.

Indeed, there would have been no German-French reconciliation without NATO. And, the ongoing German-Polish reconciliation would not be possible without NATO. In fact, as one thoughtful thinker on these matters, Dr. Zbigniew Brzezinski, has written "with NATO enlarged, a genuine reconciliation between former Soviet satellites and Russia will be both truly possible and likely."

Finally, Mr. President, NATO enlargement is fundamental to Europe's evolution into a partner that will more effectively meet global challenges before the transatlantic community. An undivided Europe at peace is a Europe that will be better able to look outward, a Europe better able to join with the United States to address necessary global security concerns. A partnership with an undivided Europe in the time- and stress-tested architecture of NATO will enable the United States to more effectively meet the global challenges to its vital interests at a time when defense resources are increasingly strained.

Mr. President, allow me to close by pointing out that NATO enlargement is a policy validated by unprecedented public and Congressional discourse on a matter of national security.

Over the last five years, NATO enlargement has been the topic of countless editorials and opinion pieces in national and local papers. Over the last two years some fourteen states, including the First State, Delaware, have passed resolutions endorsing NATO enlargement. This policy has been endorsed by countless civic, public policy, political, business, labor and veterans organizations.

NATO enlargement has also been repeatedly endorsed by the North Atlantic Assembly, an arm of the Alliance that convenes parliamentary representatives of NATO's sixteen countries. Congress has always been an active player in this organization and I have the honor today of serving as President of the NAA.

Congress, in particular, has led the charge for NATO enlargement. Its committees have examined in detail the military, intelligence, foreign policy, and budgetary implications of this long overdue initiative. Since last July alone, twelve hearings have been conducted on NATO enlargement by the Senate Committees on Foreign Relations, Armed Services, Appropriations, and Budget. The Senate NATO Observer Group, which I chair with Senator JOSEPH R. BIDEN, has convened seventeen times with, among others, the President, the Secretaries of State and Defense, NATO's Secretary General, and the leaders of the three invitee countries.

For me, it is no surprise—indeed a matter of pride—that Congress has legislatively promoted NATO enlargement every year since 1994. To be exact, this chamber has endorsed NATO enlargement some fourteen times through unanimous consent agreements, voice votes and roll call votes. I only wish all dimensions of U.S. national security policy would receive this much public attention and endorsement.

Mr. President, these arguments make it clear that America's best chance for enduring peace and stability in Europe—our best chance for staying out of war in Europe, our best chance for reinforcing what has been a strong, productive partnership with Europe—is to promote a Europe that is whole, free, and secure. What better organization to do this than the North Atlantic Alliance—an organization that has kept the peace for more than fifty years and remains unmatched in its potential to meet the security challenges of the future. The extension of NATO membership to Poland, the Czech Republic, and Hungary is a critical step to ensure that the Alliance remains true to the values of the Washington Treaty, to consolidate the gains in democracy, peace, and stability in post-Cold War Europe, and to ensure that the transatlantic community is fully prepared for the challenges and opportunities of the next century.

Mr. President, we should all commend the Chairman of the Senate Foreign Relations Committee, Senator JESSE HELMS, for producing an outstanding resolution and ratification. He has been a true leader in the effort behind NATO enlargement. He has ensured that all Members of the Senate have had ample opportunity to be fully engaged on this important matter. I applaud his leadership. Senator HELMS and his colleagues on the Foreign Relations Committee have produced, as I said, an outstanding resolution of ratification. I urge my colleagues to give it their unqualified support.

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

The PRESIDING OFFICER (Mr. SANTORUM). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. HELMS. Mr. President, I now ask unanimous consent there be a period of morning business with Senators permitted to speak for up to 5 minutes each.

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, it was just over two years ago—on Friday, February 23, 1996—that the federal debt broke the five trillion dollar sound barrier for the first time in history. The records show that on that day, at the close of business, the debt stood at $5,017,056,630,040.53.

Just 22 years ago, in 1976, the federal debt stood at $629 billion,—and that was after the first 200 years of America's history had elapsed, including two world wars. Then the big spenders really went to work and the interest on the federal debt really began to take off—and, presto, during the past two decades the federal debt has soared into the stratosphere, increasing by more than $4 trillion in two decades (from 1976 to 1996).

So, Mr. President, as of the close of business Monday, March 16, 1998, the federal debt stood—down-to-the-penny—at $5,530,456,190,863.05.

This enormous debt is a festering, escalating burden on all citizens and especially it is jeopardizing the liberty of our children and grandchildren. As Jefferson once warned, "to preserve [our] independence, we must not let our leaders load us with perpetual debt. We must make our election between economy and liberty, or profusion and servitude."

Was Mr. Jefferson right, or what?

ST. PATRICK'S DAY STATEMENT BY THE FRIENDS OF IRELAND

Mr. KENNEDY. Mr. President, the Friends of Ireland is a bipartisan group of Senators and Representatives opposed to violence and terrorism in Northern Ireland and dedicated to maintaining a United States policy

that promotes a just, lasting, and peaceful settlement of the conflict.

On behalf of Senator MOYNIHAN, Senator DODD and myself, we would like to welcome our colleague Senator MACK as a new Member of the Friends of Ireland Senate Executive Committee.

Each year, the Friends of Ireland issues an annual statement of the current situation in Northern Ireland. We believe our colleagues in Congress will find this year's statement of particular interest because of the events of the past year and potential for progress this year. I ask unanimous consent that it be printed in the RECORD.

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

STATEMENT BY THE FRIENDS OF IRELAND, ST. PATRICK'S DAY 1998

On this St. Patrick's Day the Friends of Ireland in the United States Congress join 44 million Irish-Americans, with ties to both traditions in Ireland, to celebrate our heritage and the unique bonds between our two lands. We send greetings to the President of Ireland, Mary McAleese, and wish her well in her new position. We warmly welcome the Taoiseach, Bertie Ahern, on this his first St. Patrick's Day visit to Washington since he became Ireland's Prime Minister in June.

We share the hopes of the Irish people and their friends throughout the world that, in the course of this year, the Northern Ireland peace process will be successful and establish an agreement which fully respects the rights of nationalists and unionists, and can win the support of both.

We congratulate the Irish and British governments under the determined leadership of the Taoiseach, Bertie Ahern, and Prime Minister Tony Blair, for their courage and ability in seeking to advance the historic goal of ending this tragic conflict. We welcome all the positive contributions which have been made by political leaders in Northern Ireland to the talks. We pay tribute in particular to the contribution of our former colleague Senator George Mitchell in his role as Chairman of the talks, and to both the Minister of Foreign Affairs David Andrews, and the Northern Ireland Secretary of State Marjorie Mowlam, for their tireless commitment to the advancement of peace.

We condemn in the strongest terms the cruel sectarian killings and other acts of violence which have recently brought renewed suffering to Northern Ireland. The clear purpose of these sinister attacks is to destroy the peace process. These enemies of peace must never be allowed to succeed. No effort should be spared to bring those responsible to justice. We urge in the strongest possible terms that the cease-fires be maintained.

The most effective response to those who would seek to destroy this historic opportunity for peace in Northern Ireland is for political leaders involved in the talks to expand their dialogue and to redouble their efforts to reach agreement.

We agree with the Governments that the status quo in Northern Ireland is not an option. It is for the Governments and parties engaged in the talks to decide upon the precise terms of new arrangements which will be fair to both traditions. It is clear that "the new beginning in relationships" which has been set as the goal for the talks requires major change. We pledge our support to the Governments and the talks participants who together must make the difficult decisions needed to bring about that necessary transformation.

The critical test of the viability of any new agreement will be whether it provides for just and equal treatment for both communities and full respect for their respective traditions. It should end forever the possibility that any individual or group should fear that their rights are not protected or that they are treated as second class citizens. Equality of treatment must be the organizing principle of the new political institutions which need to be developed in all three Strands of the talks. We stress the particular importance of meaningful North/South institutions in this regard. Measures to promote equality, respect for human rights, and fundamental freedoms are essential underpinnings of any settlement, and should not be seen as concessions to one side or the other. The enactment of a Bill of Rights, the early repeal of the extensive body of emergency legislation, and a commitment to the development of a police force acceptable to all would constitute important steps in this direction.

We welcome Secretary of State Mowlam's recent announcement of a new commitment to remedy the job imbalance in Northern Ireland, under which Catholics are still twice as likely to be unemployed as Protestants. It is our hope that concrete steps to achieve genuine equality of opportunity in employment will be rapidly implemented.

We also wish to emphasize the need to avoid any repetition this year of the appalling disturbances during last year's marching season. We share the concern that the composition of the Parades Commission is unbalanced. The Commission's preliminary report will be issued soon, and we urge that all decisions on parades be taken in a manner that is clearly seen to be fair.

We welcome the decision by the British Government to appoint a tribunal of inquiry to consider new material, including that presented by the Irish Government, regarding the events of Bloody Sunday. We hope that this inquiry leads to the truth and healing for the people of Derry, and in particular for the families and relatives of the victims. We are also conscious of the grief of many others who have lost loved ones in the conflict, many whose remains are still missing. We urge those in a position to do so to assist in identifying remains so that they can be returned to their families.

The Friends of Ireland welcome the continuing bipartisan commitment of President Clinton and the Congress to the achievement of a just and lasting peace in Ireland and, in particular, the support for the important work of the International Fund for Ireland. To those ready to take risks for peace, we pledge ourselves to support any agreement reached by the parties. We believe that all involved now have an historic opportunity to replace the politics of discrimination with the politics of equality and mutual respect. We urge all concerned to summon the political courage to seize the moment.

FRIENDS OF IRELAND EXECUTIVE COMMITTEE

Senate: Edward M. Kennedy, Daniel Patrick Moynihan, Christopher J. Dodd, Connie Mack.

House of Representatives: Newt Gingrich, Richard A. Gephardt, James T. Walsh.

MESSAGES FROM THE HOUSE

At 3:49 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following resolution:

H. Res. 386. Resolved that the Honorable Richard K. Armey, a Representative from the State of Texas, be, and he is hereby, elected Speaker pro tempore on this day.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations, without amendment:

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 (Rept. No. 105–168).

S. 1769. An original bill making supplemental appropriations for the International Monetary Fund for the fiscal year ending September 30, 1998, and for other purposes (Rept. No. 105–169).

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. STEVENS:

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; from the Committee on Appropriations; placed on the calendar.

S. 1769. An original bill making supplemental appropriations for the International Monetary Fund for the fiscal year ending September 30, 1998, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. MCCAIN (for himself, Mr. CAMPBELL, Mr. INOUYE, and Mr. CONRAD):

S. 1770. A bill to elevate the position of Director of the Indian Health Service to Assistant Secretary of Health and Human Services, to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services, and for other purposes; to the Committee on Indian Affairs.

By Mr. CAMPBELL (for himself and Mr. ALLARD):

S. 1771. A bill to amend the Colorado Ute Indian Water Rights Settlement Act to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes; to the Committee on Indian Affairs.

By Mr. JEFFORDS (for himself and Mr. LEAHY):

S. 1772. A bill to suspend temporarily the duty on certain pile fabrics of man-made fibers; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 1773. A bill for the relief of Mrs. Ruth Hairston by the waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity; to the Committee on Governmental Affairs.

By Mr. LOTT (for himself and Mr. COCHRAN):

S. 1774. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to make guaranteed farm ownership loans and guaranteed farm operating loans of up to $600,000,

and to increase the maximum loan amounts with inflation; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BOND:

S. 1775. A bill to suspend temporarily the duty on phosphonic acid, (nitrilotris (methylene))tris; to the Committee on Finance.

S. 1776. A bill to suspend temporarily the duty on phosphonic acid, (nitrilis(methylene))tris-, pentasodium salt; to the Committee on Finance.

S. 1777. A bill to suspend temporarily the duty on phosphonic acid, (1-hydroxyethylidene)bis; to the Committee on Finance.

S. 1778. A bill to suspend temporarily the duty on phosphonic acid, (1-hydroxyethylidene)bis-, tetrasodium salt; to the Committee on Finance.

S. 1779. A bill to suspend temporarily the duty on phosphonic acid, (1,6-hexanediylbis(nitrilobis(methylene)) tetrakis-potassium salt; to the Committee on Finance.

S. 1780. A bill to suspend temporarily the duty on phosphonic acid, (((phosphonomethyl)imino)bis(2,1-ethanediylnitrilobis- (methylene))tetrakis; to the Committee on Finance.

S. 1781. A bill to suspend temporarily the duty on phosphonic acid, (((phophonomethyl)imino)bis(2,1-ethanediylnitrilobis- (methylene)))tetrakis-, sodium salt; to the Committee on Finance.

S. 1782. A bill to suspend temporarily the duty on Polyvinyl Butyral; to the Committee on Finance.

S. 1783. A bill to suspend temporarily the duty on triethyleneglycol bis(2-ethyl hexanoate); to the Committee on Finance.

S. 1784. A bill to suspend temporarily the duty on Biphenyl flake; to the Committee on Finance.

S. 1785. A bill to suspend temporarily the duty on 2-Ethylhexanoic acid; to the Committee on Finance.

Mr. FAIRCLOTH:

S. 1786. A bill to provide for the conduct of a study and report concerning the ability of the Centers for Disease Control and Prevention to address the growing threat of viral epidemics and biological and chemical terrorism; to the Committee on Labor and Human Resources.

By Mr. GRAMM (for himself, Mrs. HUTCHISON, Mr. GRASSLEY, Mr. D'AMATO, Mr. KYL, Mr. GORTON, Mrs. FEINSTEIN, Mr. BINGAMAN, Mrs. BOXER, Mrs. MURRAY, Mr. MCCAIN, and Mr. DOMENICI):

S. 1787. A bill to authorize additional appropriations for United States Customs Service personnel and technology in order to expedite the flow of legal commercial and passenger traffic at United States land borders; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 1788. A bill to amend titles XI and XVIII of the Social Security Act to combat waste, fraud, and abuse in the medicare program; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. KENNEDY, Mr. DASCHLE, Mrs. BOXER, Mr. DODD, Mr. DURBIN, Mr. GLENN, Mr. HARKIN, Mr. KERRY, Mr. LAUTENBERG, Ms. MOSELEY-BRAUN, Mr. ROCKEFELLER, and Mr. TORRICELLI):

S. 1789. A bill to amend title XVIII of the Social Security Act and the Employee Retirement Income Security Act of 1974 to improve access to health insurance and medicare benefits for individuals ages 55 to 65 to be fully funded through premiums and anti-fraud provision, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. WARNER, Mr. KEMPTHORNE, Mr. HATCH, Mr. COATS, Mr. HAGEL, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. BUMPERS, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CHAFEE, Mr. CLELAND, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENZI, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FORD, Mr. FRIST, Mr. GLENN, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. WELLSTONE, and Mr. WYDEN):

S. Res. 196. A resolution recognizing, and calling on all Americans to recognize, the courage and sacrifice of Senator John McCain and the members of the Armed Forces held as prisoners of war during the Vietnam conflict and stating that the American people will not forget that more than 2,000 members of the Armed Forces remain unaccounted for from the Vietnam conflict and will continue to press for the fullest possible accounting for all such members whose whereabouts are unknown; considered and agreed to.

By Mr. REID:

S. Res. 197. A resolution designating May 6, 1998, as "National Eating Disorders Awareness Day" to heighten awareness and stress prevention of eating disorders; to the Committee on the Judiciary.

By Mr. KEMPTHORNE (for himself, Mr. HELMS, Mr. FAIRCLOTH, Mrs. FEINSTEIN, Mrs. BOXER, Mr. CHAFEE, Mrs. HUTCHISON, Mr. COVERDELL, Mr. GRAMM, Mr. SMITH of New Hampshire, Mr. LEAHY, Mr. DEWINE, Mr. WARNER, and Mr. CRAIG):

S. Con. Res. 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; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN (for himself, Mr. CAMPBELL, Mr. INOUYE, and Mr. CONRAD):

S. 1770. A bill to elevate the position of Director of the Indian Health Service to Assistant Secretary of Health and Human Services, to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services, and for other purposes, to the Committee on Indian Affairs.

ASSISTANT SECRETARY FOR INDIAN HEALTH ACT OF 1998

Mr. MCCAIN. Mr. President, I rise today to introduce legislation to redesignate the position of the Director of the Indian Health Service (IHS) to an Assistant Secretarial position within the Department of Health and Human Services. I am pleased that the Chairman and Vice-Chairman of the Committee on Indian Affairs, Senator CAMPBELL and Senator INOUYE, as well as my colleague, Senator CONRAD, are joining me as co-sponsors of this important legislation. The Senate previously approved this legislation in the 103rd session and again considered the bill in the 104th session, but we were unable to pass a bill before adjournment. We are again pursuing this legislation as the timing for enactment could not be more critical.

Some of my colleagues might be led to believe the standard of living for Indian people is improving due to the relatively small economic success enjoyed by a few Indian tribes in this country. Nothing could be further from reality as the health conditions facing Indian people are an endemic crisis.

Mr. President, Indian reservation areas are among the most impoverished areas in our nation, yet remain the least served and the most forgotten when it comes to improving health care delivery. American Indian and Alaska Native populations are affected by diabetes at a rate that overwhelmingly exceeds other national populations. Mortality rates for tuberculosis, alcoholism, accidents, homicide, pneumonia, influenza and suicides are far higher than all other segments of the national population. The number of HIV and AIDS cases affecting American Indian communities is increasing at an alarming rate.

The Indian Health Service (IHS) is the lead agency charged with providing health care to the more than 550 Indian tribes in this country. The IHS currently falls under the authority of the Public Health Service within the overall Department of Health and Human Services. The Indian Health Service consists of 143 service units composed of over 500 direct health care delivery facilities, including 49 hospitals, 176 health centers, 8 school centers and 277 health stations and satellite clinics and Alaska village clinics. This health

network provides services ranging from facility construction to pediatrics, and serves approximately 1.3 million American Indians and Alaska Native individuals each year.

For the past couple of years, the Department has undergone reorganizational reforms and removed some of the administrative hurdles faced by the IHS Director. I applaud the Secretary and the Department for these efforts to prioritize Indian health issues. However, I am convinced that we must further institutionalize the future of the IHS by allowing the agency to operate at the highest levels and by its own authority.

Mr. President, this bill is more than a symbolic gesture. There are several other critical reasons which lead me to believe that this legislation is necessary. First, designating the IHS Director as an Assistant Secretary of Indian Health would provide the various branches and programs of the IHS with a stronger advocacy role within the Department and better representation during the budget process. As evidenced in the Agency's budget request for FY'99, which represents a minimal one percent increase over last year's budget, the ability of the IHS to affect budgetary policy is limited.

Second, I am a strong supporter of the success of tribal governments to contract and manage programs through Public Law 93-638, the Indian Self-Determination and Education Assistance Act. Through separate legislation, Senator CAMPBELL will propose to permanently extend this authority to the IHS. Our intent through the 638 law has been to devolve the paternalistic federal management of Indian programs and place responsibility at the local tribal level where tribes most benefit by direct services. This legislation we are introducing today is intended to compliment that effort.

I believe that the IHS would operate more efficiently as an independent agency. The IHS is charged with an enormous responsibility for Indian country and, therefore, should be afforded direct line authority and the ability to operate within its own unique mandates and rules. This legislation provides for the appropriate authority for this transition, particularly to ensure that the service delivery provided to the IHS by other PHS entities, such as the Commissioned Corps, would be appropriately addressed. I look forward to working with Secretary Shalala on these important matters.

I am convinced that if the current organizational structure of the IHS is maintained, the agency will not be positioned for the long term to address the day-to-day health care needs of American Indians. Therefore, I believe that the IHS is in dire need of a senior policy official who is knowledgeable about the programs administered by the IHS and who can provide the leadership for the health care needs of American Indians and Alaska Natives.

Mr. President, this legislation will ensure that health care issues facing Indian people are addressed on a par with the rest of this nation.

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

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

SECTION-BY-SECTION ANALYSIS

SECTION 1. OFFICE OF ASSISTANT SECRETARY FOR INDIAN HEALTH

Subsection (a) establishes the Office of the Assistant Secretary for Indian Health within the Department of Health and Human Services.

Subsection (b) provides that the Assistant Secretary for Indian Health shall perform such functions as the Secretary of Health and Human Services may designate in addition to the functions performed by the Director of the Indian Health Service (IHS) on the date of the enactment of this Act.

Subsection (c) provides that references to the IHS Director in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document shall be deemed to refer to the Assistant Secretary for Indian Health.

Subsection (d) amends Title 5, Section 5315 of the U.S.C. by striking 'Assistant Secretaries of Health and Human Services (6)' and inserting 'Assistant Secretaries of Health and Human Services (7)'. Subsection (d) further amends section 5316 of Title 5 by striking 'Director, Indian Health Service, Department of Health and Human Services'.

Subsection (e) provides for conforming amendments in the Indian Health Care Improvement Act. Subsection (e) further amends the Indian Health Care Improvement Act, the Rehabilitation Act of 1973, the Federal Water Pollution Control Act, and the Native American Programs Act of 1974 by striking 'Director of the Indian Health Service' and inserting in lieu thereof 'the Assistant Secretary for Indian Health'.

SECTION 2. ORGANIZATION OF INDIAN HEALTH SERVICE WITHIN DEPARTMENT OF HEALTH AND HUMAN SERVICES

Subsection (a) amends section 601 of the Indian Health Care Improvement Act by striking 'within the Public Health Service of the Department of Health and Human Services' each place it appears and inserting 'within the Department of Health and Human Services', and striking 'report to the Secretary through the Assistant Secretary for Health of the Department of Health and Human Services' and inserting 'report to the Secretary'.

Subsection (b) amends the heading of section 601 of the Indian Health Care Improvement Act.

Subsection (c) provides that nothing in this section may be interpreted as terminating or otherwise modifying any authority providing for the IHS to use Public Health Service officers or employees to carrying out the purpose and responsibilities of the IHS. Subsection (c) further states that any officers or employees used by IHS shall be treated as officers or employees detailed to an executive department under section 214(a) of the Public Health Service.

By Mr. CAMPBELL (for himself and Mr. ALLARD):

S. 1771. A bill to amend the Colorado Ute Indian Water Rights Settlement Act to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes; to the Committee on Indian Affairs.

THE COLORADO UTE SETTLEMENT ACT AMENDMENTS OF 1998

Mr. CAMPBELL. Mr. President, today I introduce a bill to amend the Colorado Ute Indian Water Rights Settlement Act of 1988. I am pleased to be joined in this effort by my colleague Senator ALLARD.

This bill represents our Nation's last opportunity to live up to an agreement we made with the two Indian Tribes in the State of Colorado.

In 1976, the United States filed a claim asserting the historic rights of these Tribes to much of the water in the rivers in Southwestern Colorado. Rather than continue this disruptive and divisive litigation, the two Ute Tribes were parties to a Settlement Agreement in 1986, which was enacted by Congress and signed into law by President Reagan in 1988.

So far, we have failed to construct any of the facilities promised in this agreement; even though Presidents Reagan, Bush, and Clinton have consistently supported full funding for this Project.

I was reluctant to introduce this measure because I still believe that this country, this Congress, and especially the United States Senate can be trusted to fulfill the solemn commitment that was made to these Tribes in 1988, when I was a member of the House of Representatives. Of course the United States Senate has consistently and without exception, voted to abide by every term of this agreement.

But the Ute Tribes point to the 472 treaties broken by the United States. Rather than allowing their 1988 Settlement to become the 473rd, they are willing to modify the terms of this agreement to move it forward. The original agreement called for construction to start in 1990. Here it is 8 years later and we have not even started.

These tribes have provided the United States with their last chance to honorably live up to the promises we have made to them.

If the United States fails to provide these tribes with a water supply through the Animas-La Plata Project, the tribes will have no choice but to go back to court. Millions of dollars will then have to be spent in needless, expensive, and divisive litigation.

One of our distinguished former colleagues, Arizona Senator Barry Goldwater, was fond of saying that in Arizona it is so dry that the trees chase the dogs. Mark Twain said that the West is so dry that we can't afford to drink water, we are too busy fighting over it. What he said was, "Whiskey is for drinking, water is for fighting."

Throughout the history of this region, the need for water has dominated and dictated our development. About

85% of the water used in the West is stored in mountain reservoirs during spring run-off so it can be used during the hot summers. For thousands of years this has been a fact of life for those who live in the arid West. We are following the example of the Anasazi Indians who also knew the need to collect and store water for dry spells 2,000 years ago in the same area proposed for the Animas-La Plata.

In fact, when the Animas-La Plata Project was authorized in 1968, a number of other projects were authorized along with it, including the Central Arizona Project in the Lower Colorado Basin and projects in the Upper Basin. These facilities have already been constructed. We constructed these projects to meet the pressing needs of people and development. Only the Animas-La Plata languishes.

The 1988 Colorado Ute Indian Water Rights Settlement Act was a fair and honest agreement with the two Indian tribes in my state. Furthermore, it was a compromise. The parties participating in these Settlement discussions and negotiations included a number of water conservancy districts, the states of Colorado and New Mexico, and numerous federal agencies. Congress and the President made this Agreement the law of the land.

The two Tribes have every legal and moral right to hold the United States to the terms of the 1988 Agreement we enacted. Like any party to a binding agreement, they have the right to continue to demand that the United States live up to its commitment to build the entire Animas-La Plata Project. But the Tribes have made what one of the largest newspapers in my state refers to as a "generous offer." This bill is that offer. If Congress passes these amendments, we will be paying for our obligations under the 1988 agreement with a few cents on the dollar. It was once estimated that it would cost almost $700 million to fulfill our obligations to these two tribes. Now we can do it for $257 million. These two tribes have provided us with the opportunity to fulfill our legal obligations to them under the 1988 Act at a bargain basement price.

Under the terms of the bill I introduce today, the legal claims raised by the Ute Mountain Ute and the Southern Ute tribes will be resolved once the Interior Department constructs the following facilities:

A pumping plant to divert no more than 57,100 acre-fee of water per year from the Animas River; a facility to convey this water to an off-river reservoir; and a reservoir to hold this water until it is needed for municipal, industrial, instream flow or other authorized and approved uses.

Mr. President, the quantity of water that will be diverted and used by this project was not set by the project's beneficiaries, it was not set by the Bureau of Reclamation, it was not set by me; rather, it was set by the United States Fish and Wildlife Service. I quote the Service's recent Biological Opinion:

> An initial depletion not to exceed 57,100 acre feet for the Project is not likely to jeopardize the continued existence of the Colorado squafish or razorback sucker nor adversely modify or destroy their critical habitat.

The Service then goes on to agree that this level of depletion is consistent with the construction of the facilities that I have just mentioned.

In addition: Two-thirds of water made available from these project components will be available to the two Ute tribes, with most of the balance available for municipal and industrial water, small irrigators in Colorado and New Mexico, and the Navajo Nation.

The facilities to be constructed have been on the drawing board for decades. I think I can safely say that no project components in the history of developing water projects have gone through more environmental changes and more environmental regulations than this. In fact, here on the desk, I brought just the final supplement that was done after 1986, and it stands about half a foot high. If we stacked all of the different regulations that we have compiled end on end, we would have a stack over 3 feet high. I did not even bother bringing all of it to the Floor. But we have done virtually everything required to get this project developed.

This represents only a portion of the environmental studies of this project conducted by just one of the Federal agencies involved.

Those who have opposed this project in the past have had their own agendas: None of these agendas was concerned with this Nation's obligations to these two Indian tribes.

Some complained about the price of the project while they conspired to inflate the cost by insisting upon wasteful study after study of this project.

I think the tribes feel that they know there are certain interests who oppose the project and that they are the same interest groups that have opposed every project. They know that by driving the price up too much, it makes it much more difficult to build. But I think the United States' claim on being a trustee for tribes can only be fulfilled when we realize that our obligations under this original Water Rights Settlement Act must be complied with.

The State of Colorado has done its part. It has expended $35 million to construct the pipeline needed to supply domestic water.

The tribes have received their development funded of $57 million and derailed their water rights lawsuit in anticipation of the United States fulfilling its obligations.

This Settlement proposal is the absolute minimum that we can ask these tribes to accept. More important, the most expensive part of this Project is the delay in constructing it. When I first became involved with the A-LP, about 15 years ago, the entire project could be built for around $315 million.

When I think of the promises that were made to the Ute Tribes in my State, I am reminded of the words of Chief Joseph, the great Indian leader of the Nez Perce Tribe. When Chief Joseph came here to Washington he had this to say about the promises and assurances he received:

> I have heard talk and talk, but nothing is done. Good words do not last long unless they amount to something. Good words will not give my people good health and stop them from dying. Good words will not give my people a home where they can take care of themselves. I am tired of talk that comes to nothing. It makes my heart sick when I remember all of the good words and broken promises.

As this bill is presently drafted, it enjoys widespread support among the people of Colorado, especially the people, local governments, and Indian tribes in Southwestern Colorado. State government, and literally all of our major newspapers. It is a significant attempt to compromise and make concessions by all parties involved. I believe we have come a long way.

This bill is the product of significant attempts at compromise and concessions by all of the parties involved. I am pleased that the bill begins its legislative journey this far along. I know that not all of the parties who are affected by this bill agree with every one of its terms. While I can not respond to all of the concerns that have been raised, I can assure everyone that we will continue to work to address any legitimate concern raised about this legislation through the committee process.

I urge my colleagues to support passage of this important legislation and meet the solemn commitments made to the Ute tribes in 1988.

Mr. President, several newspapers, public officials and water Development Boards, and both of the Indian tribes in my state have supported the idea of modifying the Settlement in this manner. Since My legislation incorporates this approach, I ask unanimous consent that these editorials and Resolutions be included in the RECORD.

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

Mr. CAMPBELL. Mr. President, I yield any remaining time to Senator ALLARD, and I thank the Senator.

Mr. ALLARD. Mr. President, how much time remains?

The PRESIDING OFFICER. The Chair advises the Senator that he has 2 minutes.

Mr. ALLARD. Thank you very much.

Mr. President, I just wanted to briefly stand up in recognition of the hard work of my colleague from Colorado on this very, very important issue to Colorado. And I want to add my support to

the Colorado Ute Indian Water Rights Settlement Act of 1988.

I have a number of comments that I would like to submit to the RECORD. But I just want to recognize in a public way that Senator CAMPBELL has worked very hard on this. Obviously, I think both of us would have preferred to have the full project. But in light of what has come to light, I think most of us agree that we need to keep our word with the Ute Indians in the area, and we need to proceed ahead. It is vital to the area. It is important. Even though it might not be ideal for what we would like to see happen, at least we need to move ahead.

I thank the senior Senator from Colorado for yielding to me and wish him the very best. I will be there supporting him all the way.

Mr. CAMPBELL. I thank my colleague from Colorado. We fought for fairness when it came to water legislation when we were in the House of Representatives together, and here in the Senate too, apparently our battles are not over. But I certainly do appreciate the support. I know we are on the right side of fairness for the people of our State.

Mr. President, I ask unanmous consent that additicnal material be printed in the RECORD.

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

S. 1771

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Colorado Ute Settlement Act Amendments of 1998".

(b) FINDINGS.—Congress finds that in order to provide for a full and final settlement of the claims of the Colorado Ute Indian Tribes, the Tribes have agreed to reduced water supply facilities.

SEC. 2. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" has the meaning given that term in section 3(1) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100-585).

(2) ANIMAS-LA PLATA PROJECT.—The term "Animas-La Plata Project" has the meaning given that term in section 3(2) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100-585).

(3) DOLORES PROJECT.—The term "Dolores Project" has the meaning given that term in section 3(3) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100-585).

(4) TRIBE; TRIBES.—The term "Tribe" or "Tribes" has the meaning given that term in section 3(6) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100-585).

SEC. 3. AMENDMENTS TO THE COLORADO UTE INDIAN WATER RIGHTS SETTLEMENT ACT OF 1988.

(a) RESERVOIR; MUNICIPAL AND INDUSTRIAL WATER.—Section 6(a) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100-585) is amended to read as follows:

"(a) RESERVOIR; MUNICIPAL AND INDUSTRIAL WATER.—

"(1) IN GENERAL.—After the date of enactment of the Colorado Ute Settlement Act Amendments of 1998, the Secretary shall provide—

"(A) for the construction, as components of the Animas-La Plata Project, of—

"(i) a reservoir with a storage capacity of 260,000 acre-feet; and

"(ii) a pumping plant and a reservoir inlet conduit; and

"(B) through the use of the project components referred to in subparagraph (A), municipal and industrial water allocations in such manner as to result in allocations—

"(i) to the Southern Ute Tribe, with an average annual depletion of an amount not to exceed 16,525 acre-feet of water;

"(ii) to the Ute Mountain Ute Indian Tribe, with an average annual depletion of an amount not to exceed 16,525 acre-feet of water;

"(iii) to the Navajo Nation, with an average annual depletion of an amount not to exceed 2,340 acre-feet of water;

"(iv) to the San Juan Water Commission, with an average annual depletion of an amount not to exceed 10,400 acre-feet of water; and

"(v) to the Animas-La Plata Conservancy District, with an average annual depletion of an amount not to exceed 2,600 acre-feet of water.

"(2) TRIBAL CONSTRUCTION COSTS.—Construction costs allocable to the Navajo Nation and to each Tribe's municipal and industrial water allocation from the Animas-La Plata Project shall be nonreimbursable.

"(3) NONTRIBAL WATER CAPITAL OBLIGATIONS.—The nontribal municipal and industrial water capital repayment obligations for the Animas-La Plata Project shall be satisfied, upon the payment in full—

"(A) by the San Juan Water Commission, of an amount equal to $8,600,000;

"(B) by the Animas-La Plata Water Conservancy District, of an amount equal to $4,400,000; and

"(C) by the State of Colorado, of an amount equal to $16,000,000, as a portion of the cost-sharing obligation of the State of Colorado recognized in the Agreement in Principle Concerning the Colorado Ute Indian Water Rights Settlement and Animas-La Plata Cost Sharing that the State of Colorado entered into on June 30, 1986.

"(4) CERTAIN NONREIMBURSABLE COSTS.—Any cost of a component of the Animas-La Plata Project described in paragraph (1) that is attributed to and required for recreation, environmental compliance and mitigation, the protection of cultural resources, or fish and wildlife mitigation and enhancement shall be nonreimbursable.

"(5) TRIBAL WATER ALLOCATIONS.—

"(A) IN GENERAL.—With respect to municipal and industrial water allocated to a Tribe from the Animas-La Plata Project or the Dolores Project, until that water is first used by a Tribe or pursuant to a water use contract with the Tribe, the Secretary shall pay the annual operation, maintenance, and replacement costs allocable to that municipal and industrial water allocation of the Tribe.

"(B) TREATMENT OF COSTS.—A Tribe shall not be required to reimburse the Secretary for the payment of any cost referred to in subparagraph (A).

"(6) REPAYMENT OF PRO RATA SHARE.—As an increment of a municipal and industrial water allocation of a Tribe described in paragraph (5) is first used by a Tribe or is first used pursuant to the terms of a water use contract with the Tribe—

"(A) repayment of that increment's pro rata share of those allocable construction costs for the Dolores Project shall commence by the Tribe; and

"(B) the Tribe shall commence bearing that increment's pro rata share of the allocable annual operation, maintenance, and replacement costs referred to in paragraph (5)(A).".

(b) REMAINING WATER SUPPLIES.—Section 6(b) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100-585) is amended by adding at the end the following:

"(3) At the request of the Animas-La Plata Water Conservancy District of Colorado or the La Plata Conservancy District of New Mexico, the Secretary shall take such action as may be necessary to provide, after the date of enactment of the Colorado Ute Settlement Act Amendments of 1998, water allocations—

"(A) to the Animas-La Plata Water Conservancy District of Colorado, with an average annual depletion of an amount not to exceed 5,230 acre-feet of water; and

"(B) to the La Plata Conservancy District of New Mexico, with an average annual depletion of an amount not to exceed 780 acre-feet of water.

"(4) If depletions of water in addition to the depletions otherwise permitted under this subsection may be made in a manner consistent with the requirements of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Secretary shall provide for those depletions by making allocations among the beneficiaries of the Animas-La Plata Project in accordance with an agreement among the beneficiaries relating to those allocations.".

(c) MISCELLANEOUS.—Section 6 of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100-585) is amended by adding at the end the following:

"(i) TRANSFER OF WATER RIGHTS.—Upon request of the State Engineer of the State of New Mexico, the Secretary shall, in a manner consistent with applicable State law, transfer, without consideration, to the New Mexico Animas-La Plata Project beneficiaries or the New Mexico Interstate Stream Commission all of the interests in water rights of the Department of the Interior under New Mexico Engineer permit number 2883, Book M-2, dated May 1, 1956, in order to fulfill the New Mexico purposes of the Animas-La Plata Project.

"(j) TREATMENT OF CERTAIN REPORTS.—

"(1) IN GENERAL.—The April 1996 Final Supplement to the Final Environmental Impact Statement, Animas-La Plata Project issued by the Department of the Interior and all documents incorporated therein and attachments thereto, and the February 19, 1996, Final Biological Opinion of the United States Fish and Wildlife Service, Animas-La Plata Project shall be considered to be adequate to satisfy any applicable requirement under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) with respect to—

"(A) the amendments made to this section by the Colorado Ute Settlement Act Amendments of 1998;

"(B) the initiation of, and completion of construction of the facilities described in this section; and

"(C) an aggregate depletion of 57,100 acre-feet of water (or any portion thereof) as described and approved in that biological opinion.

"(2) STATUTORY CONSTRUCTION.—Nothing in this subsection shall affect—

"(A) the construction of facilities that are not described in this section; or

"(B) any use of water that is not described and approved by the Director of the United States Fish and Wildlife Service in the final biological opinion described in paragraph (1).

"(k) FINAL SETTLEMENT.—

"(1) IN GENERAL.—The provision of water to the Tribes in accordance with this section shall constitute final settlement of the tribal claims to water rights on the Animas and La Plata Rivers.

"(2) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to affect the right of the Tribes to water rights on the streams and rivers described in the Agreement, other than the Animas and La Plata Rivers, to participate in the Animas-La Plata Project, to receive the amounts of water dedicated to tribal use under the Agreement, or to acquire water rights under the laws of the State of Colorado.

"(3) ACTION BY THE ATTORNEY GENERAL.—The Attorney General of the United States shall file with the District Court, Water Division Number 7, of the State of Colorado such instruments as may be necessary to request the court to amend the final consent decree to provide for the amendments made to this section under section 2 of the Colorado Ute Settlement Act Amendments of 1998.".

SEC. 4. STATUTORY CONSTRUCTION; TREATMENT OF CERTAIN FUNDS.

(a) IN GENERAL.—Nothing in the amendments made by this Act to section 6 of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100-585) shall affect—

(1) the applicability of any other provision of that Act;

(2) the obligation of the Secretary of the Interior to deliver water from the Dolores Project and to complete the construction of the facilities located on the Ute Mountain Ute Indian Reservation described in—

(A) the Department of the Interior and Related Agencies Appropriations Act, 1991 (Public Law 101-512);

(B) the Department of the Interior and Related Agencies Appropriations Act, 1992 (Public Law 102-154);

(C) the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102-381);

(D) the Department of the Interior and Related Agencies Appropriations Act, 1994 (Public Law 103-138); and

(E) the Department of the Interior and Related Agencies Appropriations Act, 1995 (Public Law 103-332); or

(3) the treatment of the uncommitted portion of the cost-sharing obligation of the State of Colorado referred to in subsection (b).

(b) TREATMENT OF UNCOMMITTED PORTION OF COST-SHARING OBLIGATION.—The uncommitted portion of the cost-sharing obligation of the State of Colorado referred to in section 6(a)(3) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100-585), as added by section 3 of this Act, remains available after the date of payment of the amount specified in that section and may be used to assist in the funding of any component of the Animas-La Plata Project that is not described in such section 6(a)(3).

RESOLUTION

The Colorado Water Conservation Board in regular session meeting this 25th day of November 1997, is hereby resolved that:

Whereas, the Colorado Water Conservation Board is the state agency responsible for the conservation and development of the waters of the state apportioned to Colorado by interstate compact, and the encouragement of the development of those waters for the benefit of the citizens of the state of Colorado, all as more fully set forth in C.R.S. §37-60-106; and

Whereas, from 1968 to the present, the Colorado Water Conservation Board has been continually on record in support of the construction of the Animas-LaPlata Project, a Colorado River Storage Project Act participating project; and

Whereas, the Director of the Colorado Water Conservation Board and its members have regularly testified before Committees of the U.S. Congress in support of the construction of the Animas-LaPlata Project; and

Whereas, the Colorado Water Conservation Board, together with other agencies and instrumentalities of the state of Colorado, participated in the negotiation of the Colorado Ute Indian Water Rights Settlement of 1986 which served to resolve all of the reserved water rights claims of the two Colorado Ute Indian Tribes in a way that produced comity, cooperation and harmony in the allocation of the rivers of Colorado's Southwest; and

Whereas, a feature of that settlement was the agreement by the state of Colorado, the citizens of Southwestern Colorado, the federal government and the two Colorado Ute Indian Tribes that the construction of the Animas-LaPlata Project and the allocation of a portion of the water supply from that project to the two tribes would be a part of the resolution of the Colorado Ute Indian reserve water right claims and in particular, those claims associated with the Animas and the LaPlata Rivers; and

Whereas, the Congress of the United States adopted and ratified the 1986 Colorado Ute Indian Water Rights Settlement by the passage of the Colorado Ute Indian Water Rights Settlement Act of 1988; and

Whereas, Colorado, acting through the General Assembly, the Water Conservation Board and other state agencies, has fulfilled all of the responsibilities incumbent upon the state of Colorado and arising from the Colorado Ute Indian Water Rights Settlement and the Colorado Ute Indian Water Rights Settlement Act, including the construction of the Dolores Project with irrigation water being delivered to the Ute Mountain Ute Indian Tribe on its Reservation, the construction of a domestic pipeline to the Town of Towaoc, the successful adoption of Colorado water court decrees recognizing the Indian reserved water rights on various tributaries of the San Juan River and finally the appropriation of funds which now compromise $5.0 million to Tribal Development Funds, $5.6 million from the Colorado Water Conservation Board Construction Fund for construction of Ridges Basin and $42.4 million for the state's participation in the construction of the Animas-LaPlata Project, which funds are currently held by the Colorado Water Resources and Power Development Authority in trust for the eventual construction of the Animas-LaPlata Project; and

Whereas, the state of Colorado acting through the offices of Governor Roy Romer and Lieutenant Governor Gail Schoettler have sponsored a series of meetings in an effort to resolve objections to the construction of the Animas-LaPlata Project, to allow the fulfillment of the provisions of the Colorado Ute Indian Water Rights Settlement and to reach a consensus which would allow the project to be completed and;

Whereas, the process convened by Governor Romer and Lieutenant Governor Schoettler resulted in two proposals to comply with the terms of the Colorado Ute Indian Water Rights Settlement. The proposal from persons and entities opposing the construction of the Animas-LaPlata Project called for a cash settlement fund for the Tribes in lieu of Project construction. This proposal was rejected by both Tribes. On the other side of the process, the Colorado Ute Indian Tribes, the Animas-LaPlata Water Conservancy District Board of Directors, New Mexico water users and ultimately Governor Romer and Lieutenant Governor Schoettler have endorsed a proposal to construct a modified and downsized Animas-LaPlata Project; and

Whereas, the downsized Animas-LaPlata Project, often referred to as Animas-LaPlata Lite, contemplates the construction of the Ridge's Basin Reservoir and a pumping plant and pipeline from the Animas River, with the water stored in the Reservoir to be used to satisfy the two Ute Indian Tribes claims and for municipal and industrial purposes in the Animas River Basin; and

Whereas, the U.S. Fish and Wildlife Service has completed its Endangered Species Act Section 7 consultation on the project and has authorized the construction of the facilities which are described in the Animas-LaPlata Lite proposal together with an entitlement to make an annual depletion to the San Juan River system of 57,100 acre-feet; and

Whereas, the project participants have agreed on the allocation of the depletions and the necessity of constructing the authorized facilities; and

Whereas, the Bureau of Reclamation has completed a supplemental environmental impact statement at a cost of more than $10 million; and

Whereas, it appears that all environmental laws and regulations of the state of Colorado, the state of New Mexico, and the Federal Government have been addressed; and

Whereas, it is necessary to amend the Colorado Ute Indian Water Rights Settlement Act of 1988; and

Whereas, the Board wishes to lend its continued support the construction of the Animas-LaPlata Project and, in particular, to the full compliance by the state of Colorado with the terms of the Colorado Ute Indian Water Rights Settlement: Now therefore, be it

Resolved by the Colorado Water Conservation Board, That:

1. The Board endorses the modified Animas-LaPlata Project referred to a the Animas-LaPlata Lite.

2. The Board expresses its support for Governor Romer and Lieutenant Governor Schoettler and for their recognition and support for this compromise resolution between the two Colorado Ute Tribes and the Project proponents.

3. The Board expresses its appreciation to the two Colorado Ute Tribes for their continued efforts to work with the water users in Southwest Colorado to ensure that the tribal rights are resolved in a way that avoids taking water from other water users and recognizes that all of the water users in the area must work together to ensure reliable water supplies for all of the residents of the area.

4. The Board expresses its appreciation to the water users in Southwestern Colorado for their support for this resolution of the Indian reserved rights claims and the Board comments the non-Indian project supporters who sacrificed so much in order to achieve a

settlement acceptable to the Colorado Ute Indian Tribes.

5. The Board expresses its appreciation to the water users in the state of New Mexico and New Mexico's officials and Congressional delegation for their support of the negotiations leading to Animas-LaPlata Lite.

6. The Board expresses its appreciation to the U.S. Department of the Interior, Environmental Protection Agency, the environmental groups and others who contributed significantly to the series of meetings convened by Governor Romer and Lieutenant Governor Schoettler.

7. The Board encourages the Colorado delegation to unanimously endorse and support legislation necessary to effectuate the modified Animas-LaPlata Project (Animas-LaPlata Lite) and to effectuate the Colorado Ute Indian Water Right Settlement.

8. The Board instructs its Director to ensure that its a official position concerning the construction of the modified Animas—LaPlata Project and the necessity of complying with the Colorado Ute Indian Water Rights Settlement is conveyed to the two Ute Tribes each of the members of the Colorado Congressional delegation, to the Secretary of the Interior, to the Administrator of the Environmental Protection Agency, to the New Mexico Congressional delegation, to the appropriate officials in each of the Colorado River basin states, to the Chairman of the Navajo Nation, to the Director of the Native American Rights Fund and to the members of the Colorado General Assembly and other interested officials.

RESOLUTION NO. 97-160 OF THE SOUTHERN UTE INDIAN TRIBE

Whereas, authority is vested in the Southern Ute Indian Tribal Council by the Constitution adopted by the Southern Ute Indian Tribe and approved November 4, 1936, and amended October 1, 1975, to act for the Southern Ute Indian Tribe; and

Whereas, under the provisions of Article VII, Section 1(c) of said Constitution, the Tribal Council has the inherent power to act regarding the water rights of the Southern Ute Indian Tribe and under the provisions of Section 1(n) has the power to protect and preserve the property and natural resources of the Southern Ute Indian Tribe; and

Whereas, the Southern Ute Indian Tribe has negotiated a settlement of their reserved water rights which were the subject of litigations in the Colorado water courts; and

Whereas, on December 10, 1986, the Southern Ute Indian Tribe entered into the Colorado Ute Indian Water Rights Final Settlement Agreement of 1986 which has as its foundation, the construction of the Animas-La Plata Project; and

Whereas, in 1988, legislation was enacted by the United States Congress which would implement portions of the Colorado Ute Indian Water Rights Final Settlement Agreement of 1986; and

Whereas, certain members of Congress, with the support and encouragement of various environmental groups including the Sierra Club, have refused to recognize and abide by the federal trust responsibility to carry out the letter and the spirit of the Colorado Ute Indian Water Rights Final Settlement Agreement of 1986 and 1988 implementing legislation, which refusal sets a dangerous precedent for all Indian tribes; and

Whereas, since 1988, the enforcement of the Endangered Species Act and other environmental laws, as well as new budget priorities in Congress, have halted the construction of the Project and caused the United States to fail to live up to its solemn obligations under the settlement; and

Whereas, under the leadership of Governor Romer and Lieutenant Governor Schoettler, the Southern Ute Indian Tribe, the Ute Mountain Ute Indian Tribe, and other signatories to the 1986 Agreement have been engaged for the past year in discussions with the project opponents about potential alternatives to the Project; and

Whereas, the Southern Ute Indian Tribal Council received a presentation from SUGO regarding the proposed Southern Ute Land and Legacy Fund and requested the project opponents to attend a public meeting in the vicinity of the Reservation to discuss the Animas River Citizens' Coalition proposal; and

Whereas, the Southern Ute Indian Tribal Council has carefully considered the advantages and disadvantages of the Animas River Citizens' Coalition proposal as an alternative to carry out the intent of the 1986 Settlement Agreement and 1988 Settlement Act: Now, therefore be it

Resolved, That the Southern Ute Indian Tribal Council acting for and on behalf of the Southern Ute Indian Tribe, hereby determines that Animas River Citizens' Coalition proposal will not meet the tribal objectives that were to be accomplished under the 1986 Settlement Agreement and 1988 Settlement Act because among other things, that proposal does not provide the Tribe with certainty that it will receive a firm supply of water from a reliable source that can be used to meet its present and future needs on the west side of the Reservation; and be it further

Resolved, That the Chairman is authorized to send a copy of this resolution to the Lieutenant Governor.

This Resolution was duly adopted on the 7th day of October, 1997.

RESOLUTION NO. 4364 OF THE UTE MOUNTAIN UTE TRIBAL COUNCIL; REFERENCE: CONCLUSION OF ROMER-SCHOETTLER WATER SETTLEMENT NEGOTIATION PROCESS

Whereas, the Constitution and By-Laws of the Ute Mountain Ute Tribe, approved June 6, 1940 and subsequently amended, provides in Article III that the governing body of the Ute Mountain Ute Tribe is the Ute Mountain Ute Tribal Council and sets forth in Article V the powers of the Ute Tribal Council exercised in this Resolution; and

Whereas, the Tribal Council is responsible for the advancement and protection of the water resources of the Ute Mountain Ute Tribe; and

Whereas, the Ute Mountain Ute Indian Tribe negotiated a settlement of its reserved water rights which were the subject of litigation in the Colorado water courts in the 1980's; and

Whereas, on December 10, 1986 the Ute Mountain Ute Indian Tribe entered into the Colorado Ute Indian Water Rights Settlement Agreement of 1986 which settled outstanding federal and state water disputes in Southwest Colorado, and has as its foundation, the construction of the Animas-La Plata Project; and

Whereas, in 1988, legislation was enacted by the United States Congress which implemented portions of the Colorado Ute Indian Water Rights Settlement. Central to the Settlement is a commitment by the United States and the State of Colorado to develop storage capacity to hold for present and future tribal economic uses, unappropriated waters from the Animas River; and

Whereas, in the past decade opponents of the project have criticized the environmental and financial costs of the proposal facility—the Animas-La Plata Project; and

Whereas, in an effort to make peace with environmental opponents and others the Ute Mountain Ute Tribe has participated in public discussions led by Governor Romer and Lt. Governor Schoettler for the past year to explore ways of accommodating the interests of environmental and fiscal opponents; and

Whereas, as a result of these public discussions, the Tribe and other project stakeholders have agreed to ⅔ less water supply from a significantly reduced facility (almost eliminating all environmental impacts by fully complying with the Endangered Species Act and dropping the cost to taxpayers by ⅔); and

Whereas, the opponents have proposed an alternative which, in lieu of providing the region with new and economically viable water supplies, proposes to provide the two Colorado Ute Tribes with funds with which to buy available undeveloped lands and any direct flow water rights associated with such lands which are on the market from time to time, together with a possibility of expanding existing storage facilities; and

Whereas, the Ute Mountain Ute Tribal Council has evaluated the land and direct flow water rights acquisition alternative. During this evaluation not one member of the United States congress nor one major federal or State of Colorado official has come forward to urge that the Tribe's best interests would be served by the land and water acquisition proposal: Now therefore be it

Resolved, That the Ute Mountain Tribal Council hereby determines that the land and direct flow water rights fund and facility expansion proposed by the Animas River Citizen's Coalition fails to provide the Tribe with the basic commitment made by the United States and the State of Colorado in 1988—namely a reliable firm supply of water to meet present and future needs of the Tribe.

The foregoing Resolution was duly adopted on this 22nd day of October, 1977.

RESOLUTION NO. 98-5, COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY AFFIRMING CONTINUED SUPPORT FOR THE ANIMAS-LA PLATA PROJECT

Whereas, the Colorado Water Resources and Power Development Authority ("the Authority") was created by the Colorado Legislature in 1981 to "initiate, acquire, construct, maintain, repair, and operate projects" in furtherance of Colorado's declared public policy concerning protection, development, and beneficial use of the water of this state, and was empowered to finance the construction of water projects in the state; and

Whereas, on February 3, 1982, by Senate Joint Resolution No. 82-6, the Authority was authorized pursuant to C.R.S. §37-95-107 to proceed with consideration of the Animas-La Plata Project located in southwestern Colorado; and

Whereas, on June 30, 1986, the Authority executed and entered into the Agreement in Principle concerning the Colorado Ute Indian Water Rights Settlement and Binding Agreement for Animas-La Plata Project Cost Sharing. The other parties to that agreement are the State of Colorado, the Animas-La Plata Water Conservancy District, the New Mexico Interstate Stream Commission, Montezuma County, Colorado, the Southern Ute Indian Tribe, the Ute Mountain Ute Indian Tribe, the San Juan Water Commission,

and the United States Secretary of the Interior, and the Agreement provides for the construction of the facilities of the Animas-La Plata Project "or mutually acceptable alternatives" in phrases I and II; for cost sharing of the construction costs of the identified Phase I facilities; and for non-federal financing of the identified Phase II facilities; and

Whereas, on December 10, 1986, the State of Colorado, the Ute Mountain Ute Indian Tribe, the Southern Ute Indian Tribe, the United States Department of the Interior, the United States Department of Justice, the Animas-La Plata Water Conservancy District, the Dolores Water Conservancy District, the Florida Water Conservancy District, the Mancos Water Conservancy District, the Southwestern Water Conservation District, the City of Durango, the Town of Pagosa Springs, the Florida Farmers Ditch Company, the Florida Canal Company, and Fairfield Communities, Inc. entered into the Colorado Ute Indian Water Rights Final Settlement Agreement; and

Whereas, the Congress of the United States adopted and ratified the Colorado Ute Indian Water Rights Settlement by passage of the Colorado Ute Indian Water Right Settlement Act of 1988; and

Whereas, on November 10, 1989, the Authority entered into an Escrow Agreement with the United States Department of the Interior and the State Treasurer of the State of Colorado pursuant to which certain funds of the Authority were deposited into the Animas-La Plata Escrow Account with the Colorado State Treasurer for disbursement of up to 42.4 million dollars to the United States to defray a portion of the construction costs of certain Phase I facilities of the Animas-La Plata Project. The Escrow Agreement provides that upon the occurrence of certain events the Authority may order cessation of the disbursements from the escrow account, and in addition that the Escrow Agreement will terminate upon the occurrence or non-occurrence of certain events; and

Whereas, current discussion and negotiations among parties concerned in the development and construction of the Animas-La Plata Project have resulted in the development of a proposal to reconfigure the project by eliminating or delaying construction of certain facilities. The reconfigured proposed project is sometimes referred to as Animas-La Plata Project "Lite"; and

Whereas, the Animas-La Plata "Lite" proposal contemplates reduction of Colorado's cost sharing obligation for the project to $16 million, with the remaining principal of $26.4 million currently in the Animas-La Plata Escrow Account and committed for cost sharing on construction of the project to be held in escrow and not disbursed pending possible future construction of the remaining facilities of the Animas-La Plata Project; and

Whereas, the Authority has and continues to support the construction of the Animas-La Plata Project, and has evidenced this support by voluntarily committing up to $42.4 million for construction of the Project.

Now therefore, be it resolved by the Board of Directors of the Colorado Water Resources and Power Development Authority at a regular meeting of the Authority on February 6, 1998, as follows:

1. The Authority reaffirms its continuing support for construction of the Animas-La Plata Project.

2. The Authority affirms its willingness, subject to agreement by the other signatories, to enter into appropriate amendments to the agreements to which it is a party (including the 1986 Cost Sharing Agreement and the 1989 Escrow Agreement) to reflect and to provide for (1) construction of the so-called Animas-La Plata "Lite" Project, with Colorado's cost sharing obligation limited to $16 million to be disbursed from the existing Animas-La Plata Project Escrow Account under acceptable terms, and (2) to provide for the continuing escrow of the remaining principal of $26.4 Million now on deposit in the Animas-La Plata Escrow Account for a mutually acceptable period of time pending possible future construction of the remaining facilities of the Animas-La Plata Project, with all interest accruing upon said principal being paid to and retained by the Authority for its use.

GOV. ROY ROMER AND LT. GOV. GAIL SCHOETTLER—CONCERNING THE ANIMAS-LA PLATA WATER PROJECT

Today, we are announcing our support for "A-LP Lite"—the scaled-down version of the Animas-La Plata water project. This proposal saves nearly $400 million from the original project and is less environmentally damaging than the original project. Most importantly, it satisfies the state's obligations to deliver water to the Southern Ute and Ute Mountain Ute Tribes.

In 1986, the State of Colorado, non-Indian water users in Southwest Colorado and New Mexico, and the United States, entered into a landmark settlement agreement with the Southern Ute and the Ute Mountain Ute Tribes. This agreement quantified the Tribes' entitlement to reserved water rights on 11 rivers in Southwest Colorado.

The settlement agreement set a national standard for cooperation between Indian Tribes and non-Indians. It settled potentially expensive and divisive litigation. It protected the water rights of non-Indians in Southwest Colorado. It maintained the fabric of Indian and non-Indian societies and economies.

To comply with the agreement, the state has paid or set aside $60.8 million, and has agreed to the adjudication of reserved water rights by the Tribes. The only remaining obligation under the agreement is for the United States to fund and build the Animas-La Plata water project. The project is necessary to satisfy the Tribes' water claims on the Animas and La Plata Rivers.

Yet after 10 years the project has not been built. Controversy and lawsuits have delayed the start of construction. Each year, Congress debates whether to continue funding the project. The Interior Department has conducted a number of studies which the courts or the Environmental Protection Agency have found inadequate. We understand that one of the EPA's primary objections with the environmental analysis has been that the examination of alternatives is deficient.

Last year, the project proponents asked us to convene talks among all sides to see if a consensus solution could be reached. Through sometimes heated debate, the "Romer-Schoettler Process" whittled an initial list of 65 options to two basic alternatives.

Project proponents, including the Tribes, reduced the size of the project drastically. They cut many project features, principally non-Indian irrigation. Throughout this difficult process, the Tribes steadfastly maintained their desire for construction of a reservoir to hold water which can be an asset for future generations.

Project opponents developed an alternative involving no reservoir. The alternative calls for the United States to pay money to the Tribes that can be used to buy land and water, or to develop water from other existing water projects on other rivers which have already been adjudicated under the settlement agreement.

Both Tribal Councils rejected this alternative by official resolutions.

It was therefore clear that the Romer-Schoettler Process, having made substantial progress, could not bridge the gap between these fundamentally different proposals. Recently, the Tribes asked us to take a position on the two alternatives. Therefore, yesterday we went to Santa Fe, New Mexico, to meet with Tribal leaders and other project participants.

At that meeting, we reaffirmed our continuing obligations of the State of Colorado to work cooperatively under the 1986 settlement agreement, to find and support a solution to the Animas-La Plata controversy. We have maintained that any solution should be fiscally and environmentally responsible.

Because of that obligation, and the Tribes' legitimate desire for a reservoir, we endorsed the proposal of the project participants for construction of a significantly reduced project. This alternative is more cost-effective and has fewer environmental impacts than the original project configuration. It was developed to fit within all the environmental compliance documentation and approvals that have been done to date. We will be working with the project proponents and the State of New Mexico to develop legislation for introduction in Congress that will authorize this alternative.

Yesterday, we also committed to meet as soon as possible with Interior Secretary Bruce Babbitt and EPA Administrator Carol Browner. The purpose of our meetings will be to convey our support for the Tribes' and proponents' alternative. We also will express our strong belief that the results of the Romer-Schoettler process should be used to "fill-in-the-gaps" of the alternatives analysis that the EPA found deficient. We will seek definite commitments from them as to whether they will require any additional information. If so, we will ask them to define the precise time frames for this information so that we can work with the Tribes to introduce legislation in the next Congress.

We appreciate and value the relationship between the State of Colorado and the Southern Ute and Ute Mountain Ute Tribes. Honoring our promises under the 1986 settlement agreement is critical to that relationship. We will continue to work closely with the Tribes and water users of Southwest Colorado to make sure those promises are kept.

[From the Denver Post, Nov. 23, 1997]

ANIMAS LITE LOOKS GOOD

Gov. Roy Romer and Lt. Gov. Gail Schoettler's endorsement last week of the downsized Animas-La Plata water project has given another boost to a compromise plan that slashes both A-LP's cost and its environmental impact by about two-thirds.

As originally proposed, A-LP would have drawn 190,000 acre-feet annually from the Animas River at an estimated cost to taxpayers of $714 million. "Animas-La Plata Lite," as the compromise was inevitably dubbed, would draw only 57,100 acre-feet from the river, at a cost of $257 million.

Even so, A-LP Lite would still meet the legitimate claims of the Southern Ute and Ute Mountain Ute tribes by satisfying the Colorado Ute Indian Water Rights Settlement Act of 1988. The majority of the original project's benefits would have gone to non-Indian users. The scaled-back project eliminates most non-Indian benefits.

That's as it should be. The Utes were originally granted all of Colorado's Western Slope before being systematically robbed in a series of land grabs that reduced them to their present modest reservations. Colorado and the federal government thus have an obligation to the Utes that is far greater than to non-Indian water users in the area. And as Romer noted last week, A-LP Lite is "the most realistic way of keeping our obligation to the Indian community."

Romer and Schoettler plan to meet with Interior Secretary Bruce Babbitt and Carol Browner, the head of the Environmental Protection Agency, to promote the compromise. We wish them success in their expressed desire of convincing the next session of Congress to fund the compromise plan.

Schoettler deserves particular credit for midwifing what we hope will be a successful conclusion to this long-running controversy. The lieutenant governor led a series of mediation sessions between project supporters and environmentalists opposed to A-LP. While Schoettler did not succeed in bringing the two sides to a consensus, her efforts went a long way toward crafting the attractive compromise she and Romer endorsed last week. For that, taxpayers, Indians—and even those environmentalists willing to settle for two-thirds of a loaf—can be grateful.

[From the Denver Post, Feb. 8, 1998]

THE PRICE IS LITE

Congressional supporters of a radically downsized Animas-La Plata plan are hoping to introduce a bill later this week to fund the long-delayed water project in southwestern Colorado and to at last assure the Southern Ute and Ute Mountain Utes of the rights to "wet water" that they have been denied for more than a century.

The new "Animas Lite," as the proposal is nicknamed, would cost the federal government just $257 million, less than a third of the original $744 million tab.

The project's environmental impact has also been radically reduced. Originally it would have diverted 150,000 acre-feet of water per year from the Animas River. Now it will take only 57,100 acre-feet. But the cutbacks came mostly at the expense of non-Indian users, and both Ute tribes strongly support the compromise.

Lt. Gov. Gail Schoettler, who led a year-long mediation effort, deserves much of the credit for mid-wifing the less expensive, more environmentally acceptable alternative, which has also been endorsed by Gov. Roy Romer.

The upcoming bill to fund the compromise will probably have the support of seven of the eight members of Colorado's congressional delegation. The sole holdout is likely to be Rep. Diana DeGette, D-Denver, who has tended to take the parochial attitude that the southwestern Colorado project doesn't benefit her district.

The Post would like to gently remind Rep. DeGette that the federally funded light rail project in southwest Denver provides no direct benefit to southwest Colorado, either—but we haven't seen Rep. Scott McInnis scowling at that crucial link in Colorado's overall transportation needs. Our small state delegation needs to remember Benjamin Franklin's admonition that "unless we all hang together, we'll all hang separately."

More importantly, Animas Lite isn't so much about water as about justice for the Utes, who once owned all the Western Slope before being systematically robbed of most of their lands.

The insulting alternative to Animas Lite proposed by the Sierra Club—giving the Utes a cash handout—has been unanimously rejected by both tribal councils.

Animas-La Plata has been debated for more than 30 years. It's time for the government to keep its word to the Utes and build the compromise project.

[From the Durango Herald, Nov. 23, 1997]

BUILD A-LP LITE

ROMER-SCHOETTLER PROCESS DID ITS JOB—INCLUDING PRODUCING A-LP LITE; NOW IT'S TIME TO BUILD IT

No single solution to how to provide the Southern and Ute Mountain Utes the water they have coming resulted from the Romer-Schoettler negotiating process. Far from it. Project proponents still have a reservoir in their plan to store new water, while opponents proposed to strip existing summer water from purchased irrigated land.

But while the process consumed a year—an additional delay that benefits project opponents who want nothing built—the process was far from wasted.

Out of it came much-reduced project that would be much more all-Indian. While relatively small amounts of municipal water remain, almost entirely eliminated is the large non-Indian irrigation component. And the two Ute tribes have agreed to accept one-third less water at no charge in exchange for the originally negotiated larger amount at cost.

In these times of federal budget-balancing, and support for free-flowing rivers, the smaller Animas-La Plata Lite is a big step forward.

In contrast, the scheme of land purchases the handful of project opponents proposed has little substance. They would find some storage in existing reservoirs, but the bulk of the water would be available in the spring and summer only. Ignored in their plan was the awkward picture of Florida Mesa lands stripped of water, and just how downstream return-flow water users would be compensated.

Though billed as less expensive than Animas-La Plata Lite and as helping to fulfill the Southern Utes' desire to own more of the land within the external boundaries of their reservation, the land purchases would fall far short of providing the Utes with the kind of water they are owed and would raise plenty of new environmental issues.

Last week, Gov. Roy Romer and Lt. Gov. Gail Schoettler endorsed Animas-La Plata Lite, and the governor said, if asked, he would urge President Bill Clinton to build it.

The Environmental Protection Agency, granted extensions to complete its studies, needs to pick up the pace. Removing less water from the Animas River, as spelled out ion A-LP Lite, shouldn't require massive rewrites. The Bureau of Reclamation, which sometimes has behaved as though it wished the Animas-La Plata Project would just go away so it could focus on a new mission of increasing water use efficiency, can't turn its back on the need to build one last dam as cost-effectively as possible.

The Utes have waited a long time for the water they have coming, and they've reduced their claims to help make Animas-La Plata Lite possible. Animas-La Plata Lite ought to be built as soon as possible.

[From the Pueblo Chieftain, Nov. 21, 1997]

IT'S HIGH TIME

The Romer administration has dropped its neutrality on the Animas-La Plata Project in southwestern Colorado to support what's being called Animas-La Plata Lite.

Gov. Roy Romer and Lt. Gov. Gail Schoettler on Tuesday announced their support of the scaled-back plan to provide water for two Indian tribes in Colorado and northwest New Mexico. The revised proposal would cost an estimated $250 million instead of $740 million for the full project.

The Southern Ute and Ute Mountain Ute tribes suggested the smaller project earlier this year to get the long-stalled project going. A-LP, first authorized by Congress 29 years ago as an irrigation project, was amended in 1986 to include water rights claims by the tribes which were agreed to in a treaty with the United States. Since then, though, environmental groups have fought the project at every juncture.

Part of their strategy of delay has been to drive up the cost almost geometrically. Thus opponents have aligned themselves with a smattering of fiscally conservative Republicans and liberal Democrats in hypocritically decrying the project's cost.

A-LP Lite would halve the amount of water diverted for municipal and other uses and would suspend a plan to irrigate non-Indian lands. The amount of water for the tribes would be cut, although they now would receive the lion's share of it.

During this week's announcement, the governor said he believed the state has an obligation to the tribes, which it does. So does the federal government, which should not abrogate yet another treaty with the Indians, even though the Sierra Club continues to oppose any project other than buying existing water rights and giving them to the tribes.

With the weight of the state government now behind A-LP Lite, the federal government should press ahead. Three decades of dickering has done no one any good—except those who make their livelihoods being public pests.

[From the Daily Sentinel, Nov. 19, 1997]

STATE LEADERSHIP, AT LONG LAST, ON A-LP

The era of delays on the Animas-La Plata Water project must end, Gov. Roy Romer and Lt. Gov. Gail Schoettler declared Tuesday. It's time to move forward with the scaled-down version of the project known as A-LP Lite.

That is the very welcome and long-overdue message Romer and Schoettler delivered to Ute Indian tribal leaders at a meeting in Santa Fe Monday, the same message they promise to take to U.S. Secretary of Interior Bruce Babbitt and EPA Director Carol Browner in the next few weeks.

One might be forgiven for suggesting that the Romer administration has been at least partially responsible for delays on Animas-La Plata, with its year-long roundtable discussion that failed to reach any resolution between supporters and opponents.

But Schoettler and Romer maintained Tuesday that the process was important in narrowing the number of alternatives from 65 to two and in prompting project supporters to come up with the "more realistic" A-LP Lite. Moreover, the two said in a statewide teleconference with reporters Tuesday, the process could be even more important and timesaving if federal officials accept the various alternatives examined during the Romer-Schoettler discussions rather than requiring yet another reopening of the environmental impact statement for the project to study more alternatives.

That remains to be seen, of course. But give Romer and Schoettler credit for deciding to push such an idea with Babbitt and Browner.

And if the governor and lieutenant governor appeared decidedly ambiguous about

taking sides a few weeks ago—their Oct. 30 letter to Babbitt and Browner took no position on either alternative and said it was up to the federal agencies to resolve the issue—that ambiguity is gone now.

"We both favor A-LP Lite as the most realistic way to meet our commitments to the tribes," Romer said. "We want to expedite the decision-making process so we can get it before Congress in the next session."

Echoed Schoettler. "Our job now is to push this forward to meet our commitments to the tribes."

Given Romer's position as chairman of the Democratic National Committee and Schoettler's own eminent stature within the Democratic Party, the two are in positions to have a great deal of influence on Babbitt, Browner and others in the Clinton administration.

They are less likely, of course, to influence opponents of the Animas-La Plata, who will undoubtedly take Tuesday's announcement as a form of betrayal by the governor and lieutenant governor.

Romer stressed Tuesday that he didn't want this process dragged out by litigation and delay. Unfortunately, he and Schoettler will be hard-pressed to convince the Sierra Club and its minions of that. The Romer administration should be prepared to commit all of the state's resources at its disposal to overcome the relentless obstructionism of the environmental community to, at long last, fulfill the long-denied water promises to Colorado's Ute Indians.

Mr. ALLARD. Mr. President, I want to add my support to the Colorado Ute Indian Water Rights Settlement Act of 1998.

The project that is before us now represents a scaled down version of what was originally promised.

This project will be inexpensive enough to allow it to pass through Congress and finally do something towards fulfilling the obligations of the United States to the Tribes and their members, while at the same time not being so scaled down and cheap as to fail to live up to the promise our government made years ago.

The Ute Tribes have accepted this proposal even though it is significantly less than what they were first offered.

As to whether they are doing this because a smaller project fits all their needs, or because they are realistic enough to admit that the long history of broken treaties is most likely not about to stop now, I'm sure we all have opinions.

The Utes are willing to accept this deal for a very simple reason:

They need water.

Anybody here can go to a water cooler and get a glass of water. But if you want to water your garden, you need a bigger source—a garden hose and a faucet.

And if you need to water your farm, or supply industry, you need a bigger source yet.

The Ute Indians are hoping they can rely on the Animas La Plata for their water needs, and they are hoping they can rely on the Government that promised them that water to follow through on delivering the water.

The Act before us focuses on the three main items needed to fulfill our obligation. It calls for a storage reservoir to be built to hold the promised water, the conveyance needed to transport water to the reservoir, and the guarantee to the Ute tribes of the water in that reservoir.

These three things are only, oh, 130 years or so in the coming. The Ute Indian Tribe signed a treaty with the U.S. Government in 1868. This treaty promised the Ute Indian Tribes a permanent, reliable source of water.

In 1988, the Colorado Ute Indian Water Rights Settlement Act reaffirmed these rights. It called for a much larger project than is before us now.

The Ute Indian Tribe would, of course, probably still prefer the full Animas La Plata Project. Those who favor upholding the word of the United States government to the Ute Indian Tribe would probably prefer the full project. However, there are those who don't seem to care about these matters who have blocked a larger project.

What we are considering now is smaller, cheaper, and less extensive, but the beneficiaries of it are willing to compromise. They need something, anything, more than they need an ideal.

There are many reasons to vote for this project. I think the best reason is not because it is authorized by Congress, not because it is ratified by the Supreme Court, not because it is supported by the last three Presidents, and not even because it will save the country over $400 million from the originally agreed-to project.

The best reason is simply that this project should be voted for because it is the duty and treaty obligation of the United States to the Ute Indian Tribes.

By Mrs. FEINSTEIN:

S. 1773. A bill for the relief of Mrs. Ruth Hairston by the waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity; to the Committee on Governmental Affairs.

PRIVATE RELIEF LEGISLATION

Mrs. FEINSTEIN. Mr. President, I rise this morning to introduce private relief legislation to assist Mrs. Ruth Hairston, of Carson, California. Identical legislation is proceeding through the House, an effort led by Representative JUANITA MILLENDER-MCDONALD and I am pleased to support this effort.

Mrs. Hairston requires this extreme step in order to be able to pursue a federal court appeal of the Merit Systems Protection Board (# CSF 2221413), which denied Mrs. Hairston's eligibility for an annuity following the retirement and untimely death of her former husband. The legislation does not require the annuity, but will only permit the filing of an appeal with the United States Court of Appeals. As a result, Mrs. Hairston will be permitted to challenge the denial on the merits, rather than accept the denial due to the failure to file an appeal within thirty days.

I would briefly like to describe the facts which warrant this legislation.

Mr. Paul Hairston retired in 1980, electing a survivor annuity for Mrs. Hairston. However, the couple was divorced in 1985, entitling Mrs. Hairston to receive ½ the retirement benefit under the settlement terms. Mr. and Mrs. Hairston began receiving benefits in 1988.

The Merit Systems Protection Board, which reviews Civil Service retirement claims, concluded Mr. Hairston had failed to register Mrs. Hairston for survivors benefits following passage of 1985 law, renewing the survivor annuity previously selected in 1985. As a result, the spousal survivor benefits for Mrs. Hairston were canceled. Following Mr. Hairston's death in 1995, Mrs. Hairston's benefits, her portion of his retirement benefit under the divorce settlement, ceased. Mrs. Hairston was denied eligibility as a surviving spouse, but did not challenge or appeal the denial of eligibility, due to hospitalization and poor health.

I am pleased to introduce this private relief legislation to assist my constituent Mrs. Ruth Hairston. While this legislation represents an extraordinary measure, the step is necessary in order to permit a federal court appeal of the denial of eligibility by the Merit Systems Protection Board. As I have previously stated, this legislation does not require any specific outcome. The federal court will review the appeal with all the rigor the case deserves. However, Mrs. Hairston will receive her day in court and the opportunity to challenger the decision by the Merit Systems Protection Board to deny eligibility.

This legislation was brought to my attention by Representative JUANITA MILLENDER-MCDONALD, who has been pursuing identical legislation in the House. I understand Mrs. Hairston is under considerable financial pressure and could face foreclosure on her home. I am pleased to try to assist Mrs. Hairston in her appeal.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF DEADLINE FOR APPEAL.

For purposes of a petition by Mrs. Ruth Hairston of Carson, California, for review of the final order issued October 31, 1995, by the Merit Systems Protection Board with respect to docket number SF-0831-95-0754-I-1, the 30-day filing deadline in section 7703(b)(1) of title 5, United States Code, is waived.

By Mr. LOTT (for himself and Mr. COCHRAN):

S. 1774. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to make guaranteed farm ownership loans and guaranteed farm operating loans of up to $600,000, and to increase the maximum loan amounts with inflation; to the Committee on Agriculture, Nutrition, and Forestry.

THE FAMILY FARM CREDIT OPPORTUNITY ACT OF 1998

Mr. LOTT. Mr. President, I rise today to introduce the Family Farm Credit Opportunity Act of 1997, a bill that will correct an inequity in the Farm Service Agency's (FSA) Guaranteed Loan Program. Currently, this program has upper limits on the amounts that can be guaranteed by the FSA. Specifically, the two types of loans administered under this program—farm ownership loans and operating loans—have caps of $300,000 and $400,000, respectively. The farm ownership loan cap was adjusted to its current level in 1978, while the operating loan cap was last raised in 1984. That is 20 years ago for one and 14 years ago for the other. A great deal has changed. Prices have gone up and inflation has eroded the value of the caps. Back then, farm ownership and operating costs could be adequately financed within both of these cap limits. Not anymore. It is time for a cap correction.

Given today's larger and more capital-intensive farming operations, the limits must be raised in order to realistically meet the needs of those seeking financing through the Guaranteed Loan Program. For example, in my home state of Mississippi, poultry is a growing industry. In the early 1980's a typical poultry house cost approximately $65,000. Today the same poultry house can cost up to $125,000. However, most banks will not finance a beginning poultry farm with less than four poultry houses. That makes the initial costs $500,000. It is easy to see that a minimum of four poultry houses at a cost of $125,000 per house exceeds the farm ownership cap level of $300,000 in the Guaranteed Loan Program. This is just one example of how the upper limits on loans can eliminate qualified applicants. This type of problem exists throughout the entire agricultural community, not just the poultry industry.

To address this problem, I am introducing the Family Farm Credit Opportunity Act of 1998 which would raise the cap limits on both the farm ownership loan and the operating loan to $600,000.

Mr. President, this is the companion bill to the one introduced by Representative CHIP PICKERING from Mississippi. He saw a problem and he has proposed a responsible fix. The poultry example displays how much agriculture has changed since the caps were last amended twenty years ago. In fact, while the increase in the cap limits may seem substantial at first, neither increase reflects the increase just caused by inflation. We should at least keep up with inflation for a program that has served as a vehicle of opportunity for the small family farmer. In today's budget-minded era, I believe we must find solutions that will not only correct problems that have been developing over the years, but find solutions at a relatively low cost to the taxpayer. That is why my bill increases the cap limits to specific amounts ($600,000) for the coming year, but also includes a provision to index both caps for inflation beginning in year two. This last provision will allow the caps to automatically adjust for inflation, which will provide a long-term fix to assure that the family farm does not again outgrow the upper limits of the farm ownership loan or the operating loan over time.

I would like to point out that my bill will not guarantee acceptance of applications submitted to the FSA. Farmers would still have to go through the vigorous application process, but if the individual is eligible and accepted he or she would have the opportunity to receive adequate financing through a farm ownership or operating loan.

Mr. President, we must preserve the family farm and continue America's tradition of promoting family farmers. Congress must provide a mechanism which enables family farmers to receive the necessary funds for ownership and operation of a farming business.

Congress appropriates money for the FSA Guarantee Loan Program each year. Congress should put this money to its best and most efficient use. We should take a step back and take a good look at what a family farmer in 1997 really is? It is not the 1978 farmer with 1978 costs. Of course these programs should be run as efficiently as possible.

Mr. President, as for the "family farmer," they still exist and are successful, but they aren't the same as they were 20 years ago. Why? Well, let's look at some of the changes that have occurred over this period.

First of all, markets have become global. Not only do our farmers have to compete with each other, but also with farmers around the world—farmers in China, Japan, Russia, Canada, Mexico just to name a few. Technology and research have both been overwhelmingly successful in allowing America to increase its production with less land. We are now able to idle environmentally sensitive land that is less productive and therefore ensure that we never revert back to the "Dust Bowl" days of the 1930's. Today farmers live in a capital intensive world. In fact, we cannot talk about agriculture today without mentioning how the industry has drastically shifted from a labor-intensive industry to an industry dominated by capital.

Twenty years ago, who could have imagined that farmers would be using satellites to level their land or to tell them exactly where chemical applications are needed? Who could have imagined that biotechnology would yield such complex seed developments?

Who could have imagined that farmers would have the technology to so closely monitor the growth of animals or that farmers would have the ability to specifically and scientifically regulate diets in order to achieve faster growth with less fat?

Mr. President my point is that agriculture has changed and so has the family farmer. The Guaranteed Loan Program was designed to help the family farmer. Let's make sure it is big enough to do just that. In order to continue this goal, we must address the needs of today, not of 1978 by providing the capital necessary to compete and be successful in 1998.

The family farmer is a larger operator relative to 1978 standards. We need new cap limits that reflect this change.

Mr. President, I want to truly help the family farmer. Mr. President, Mr. PICKERING, my colleague in the House wants to truly help the family farmer.

Let's fix a program that has been successful in the past in helping this critical sector of our country. Let us not stop the progress of our family farmers. Congress should not deny any eligible person in our nation the opportunity to own and operate a family farm in order to pursue their idea of the American dream.

Mr. President, I ask unanimous consent that the text of the bill be inserted in the RECORD.

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

S. 1774

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN MAXIMUM AMOUNT OF GUARANTEED FARM OWNERSHIP LOANS; INDEXATION TO INFLATION.

Section 305 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1925) is amended—

(1) by striking "SEC. 305. The" and inserting:

"SEC. 205. MAXIMUM AMOUNT OF FARM OWNERSHIP LOANS.

"(a) IN GENERAL.—The";

(2) by striking "of (1) the" and inserting "of—

"(1) the";

(3) by striking "security, or (2) in" and inserting "security; or

"(2) in";

(4) by striking "$300,000" and inserting "$600,000 (increased, beginning with fiscal year 1998, by the inflation percentage applicable to the fiscal year in which the loan is made or insured)";

(5) by striking "In determining" and inserting the following:

"(b) VALUE OF FARMS.—In determining"; and

(6) by adding at the end the following:

"(c) INFLATION PERCENTAGE.—For purposes of subsection (a)(2), the inflation percentage applicable to a fiscal year is the percentage (if any) by which—

"(1) the average of the Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) for the 12-month period ending on August 31 of the preceding fiscal year; exceeds

"(2) the average of the Consumer Price Index for the 12-month period ending on August 31, 1996.".

SEC. 2. INCREASE IN MAXIMUM AMOUNT OF GUARANTEED FARM OPERATING LOANS; INDEXATION TO INFLATION.

Section 313 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1943) is amended—

(1) by striking "SEC. 313. The" and inserting:

"SEC. 313. MAXIMUM AMOUNT OF FARM OPERATING LOANS.

"(a) IN GENERAL.—The";

(2) by striking "subtitle (1) that" and inserting "subtitle—

"(1) that";

(3) by striking "$400,000; or (2) for" and inserting "$600,000 (increased, beginning with fiscal year 1998, by the inflation percentage applicable to the fiscal year in which the loan is made or insured); or

"(2) for"; and

(4) by adding at the end the following:

"(b) INFLATION PERCENTAGE.—For purposes of subsection (a)(1), the inflation percentage applicable to a fiscal year is the percentage (if any) by which—

"(1) the average of the Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) for the 12-month period ending on August 31 of the preceding fiscal year; exceeds

"(2) the average of the Consumer Price Index for the 12-month period ending on August 31, 1996.".

By Mr. FAIRCLOTH:

S. 1786. A bill to provide for the conduct of a study and report concerning the ability of the Centers for Disease Control and Prevention to address the growing threat of viral epidemics and biological and chemical terrorism; to the Committee on Labor and Human Resources.

CENTERS FOR DISEASE CONTROL AND PREVENTION LEGISLATION

Mr. FAIRCLOTH. Mr. President, I rise today to introduce legislation to address the growing threats of viral epidemics and bioterrorism in our nation. I have serious concerns that one of our nation's first lines of defense, the CDC, may not have adequate resources to address these increasingly serious problems.

Scientists meeting at the International Conference on Emerging Infectious Disease in Atlanta last week concluded we were only slightly better prepared today to handle a biologic attack than we were in 1991 at the start of Desert Storm, and we were totally ill-prepared then! While the U.S. military prepares to vaccinate our troops against anthrax, there is currently no national plan to protect civilians from this deadly virus.

Ironically, the day after the International Infectious Disease conference, a business located in Phoenix was threatened with a bioterrorism attack involving an envelope supposedly soaked with the deadly anthrax virus, sending ten employees to the hospital. This comes on the heels of an earlier FBI arrest of two men in Las Vegas who claimed to have anthrax in their possession.

This growing threat is real, and not limited to germs used in war. The first recorded case of bioterrorism occurred in 1984, when members of a religious cult in Oregon deliberately contaminated local salad bars with the salmonella bacteria, causing 751 cases of fever, diarrhea and abdominal pain. Their goal had been to incapacitate voters so they could sway a local election.

More recently, we've seen many diseases we thought we'd conquered reappearing in more virulent forms. Since December, 26 Texans have died and hundreds fallen ill from an outbreak of an invasive Group A streptococcus bacteria. In Milwaukee, contaminated drinking water sickened 400,000 citizens and sent 4,000 to the hospital with over 50 deaths.

Mr. President, I voiced my concern that the Centers for Disease Control does not have the resources necessary to fight these wars with Secretary Shalala at the Labor, Health and Human Services Appropriations Subcommittee hearing last week, and have asked that the Subcommittee Chairman, my colleague from Pennsylvania, Senator Specter join me in holding a hearing on the agency's role and abilities to meet these growing threats.

Let me take a few moments now to share my concern with my colleagues by asking a question: What do bioterrorism, natural and manmade disasters, contaminated food and water supplies, and epidemics have in common? The answer may come as a surprise—the lynchpin to combating any of these life-threatening situations are the 3,000 state, county and local health departments in this country, working in cooperation with the Centers for Disease Control.

Most people would be shocked to learn that the very network that is supposed to play a role in providing a first line of defense against these threats—the 3,000 health departments scattered across the United States—are in most cases not computer linked with the command center, CDC. Only 40 percent of our health departments are online today. The remainder need computer hardware, training and manpower to be able to connect. Local health departments also need laboratory capability to be able to test the agents suspected of causing a threat—presently these samples have to be shipped off-site to be tested, wasting valuable response time.

The warning signs are there. Were this a military operation, with the enemy amassing on our borders, we would have no hesitation nor would we question the need for additional resources. We should do nothing less when lives are threatened by disease. CDC forms a triage with state and local health departments and other important governmental agencies to combat disease and biologic threats.

While CDC has become well known world-wide as the "disease detectives," the public and many of my colleagues are probably unaware of the work they perform with their law enforcement, military and intelligence agency colleagues in the biologic and chemical warfare arena. CDC's Epidemiologic Intelligence Service school produces highly trained epidemiologists from these agencies to deal with these deadly, newly emerging threats. Every state should have at least one graduate from the Epidemiologic Intelligence Service School—currently, less than half have someone with these skills.

Additionally, CDC's National Center for Infectious Diseases, the Public Health Practice Program Office and the National Center for Environmental Health also play key roles in ensuring the preparedness of the public health response.

The legislation I'm introducing today is simple. It asks that the Centers for Disease Control report to Congress within sixty days in regard to their resources and readiness to respond to the growing threats of viral epidemics, biologic and chemical threats. I intend to focus on this when we discuss this at a future hearing, and am looking forward to learning how we can improve our ability to address this growing threat.

Unfortunately, our public health departments are operating under severe constraints with about one-third lacking even the most basic technology for communications or access to advanced training. One thing is certain, not one link in our public health defense can operate in a vacuum because disease knows no political or geographic boundaries.

In the days ahead as we set our priorities for appropriations and budget, it is time, and past time, that we place a priority on investing in local public health department infrastructure. Otherwise, we may find that the cost of our neglect is more than any of us are willing to pay.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1786

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STUDY CONCERNING THE CAPABILITIES OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study concerning the ability of, and resources available to, the Centers for Disease Control and Prevention to address the growing threats of viral epidemics and biologic and chemical terrorism.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report concerning the results of the study conducted under subsection (a), including the recommendations of the Secretary for improving the ability and resources of the Centers for Disease Control and Prevention to address the growing threats of viral epidemics and biologic and chemical terrorism.

By Mr. GRAMM (for himself, Mrs. HUTCHISON, Mr. GRASSLEY, Mr. D'AMATO, Mr. KYL, Mr. GORTON, Mrs. FEINSTEIN, Mr. BINGAMAN, Mrs. MURRAY, Mr. MCCAIN, and Mr. DOMENICI):

S. 1787. A bill to authorize additional appropriations for United States customs Service personnel and technology in order to expedite the flow of legal commercial and passenger traffic at United States land borders; to the Committee on Finance.

UNITED STATES CUSTOMS LEGISLATION

Mr. GRAMM. Mr. President, on behalf of Senators HUTCHISON, KYL, FEINSTEIN, BOXER, BINGAMAN, MCCAIN, and DOMENICI (all the Southwest Border senators), as well as Senators GRASSLEY, D'AMATO, GORTON, and MURRAY, I am introducing legislation today which will authorize the United States Customs Service to acquire the necessary personnel and technology to reduce delays at our border crossings with Mexico and Canada to no more than 20 minutes, while strengthening our commitment to interdict illegal narcotics and other contraband.

I am very concerned about the impact of narcotics trafficking on Texas and the nation and have worked closely with federal and state law enforcement officials to identify and secure the necessary resources to battle the onslaught of illegal drugs. At the same time, however, our current enforcement strategy is burdened by insufficient staffing, a gross underuse of vital interdiction technology and is effectively closing the door to legitimate trade.

At a time when NAFTA and the expanding world marketplace are making it possible for us to create more commerce, freedom and opportunity for people on both sides of the border, it is important that we eliminate the border crossing delays that are stifling these goals. In order for all Americans to fully enjoy the benefits of growing trade with Mexico and Canada, we must ensure that the Customs Service has the resources necessary to accomplish its mission. Customs inspections should not be obstacles to legitimate trade and commerce. Customs staffing needs to be increased significantly to facilitate the flow of substantially increased traffic on both the Southwestern and Northern borders, and these additional personnel need the modern technology that will allow them to inspect more cargo, more efficiently. The practical effect of these increases will be to open all the existing primary inspection lanes where congestion is a problem during peak hours and to enhance investigative capabilities on the Southwest border.

Long traffic lines at our international crossings are counterproductive to improving our trade relationship with Mexico and Canada. This bill is designed to shorten those lines and promote legitimate commerce, while providing the Customs Service with the means necessary to tackle the drug trafficking operations that are now rampant along the 1,200-mile border that my State shares with Mexico. I will be speaking further to my colleagues about this initiative and urge their support for the bill.

By Mr. MOYNIHAN:

S. 1788. A bill to amend titles XI and XVIII of the Social Security Act to combat waste, fraud, and abuse in the medicare program; to the Committee on Finance.

THE MEDICARE FRAUD AND OVERPAYMENT ACT OF 1998

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1788

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Fraud and Overpayment Act of 1998".

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendments to Social Security Act; table of contents.
Sec. 2. No mark-up for drugs, biologicals, or parenteral nutrients.
Sec. 3. Mental health partial hospitalization services
Sec. 4. Information requirements.
Sec. 5. Eliminate overpayments for epogen.
Sec. 6. Centers of excellence.
Sec. 7. Repeal of clarification concerning levels of knowledge required for imposition of civil monetary penalties.
Sec. 8. Repeal of expanded exception for risk-sharing contract to anti-kickback provisions.
Sec. 9. Limiting the use of automatic stays and discharge in bankruptcy proceedings for provider liability for health care fraud.
Sec. 10. Administrative fees for medicare overpayment collection.

SEC. 2. NO MARK-UP FOR DRUGS, BIOLOGICALS, OR PARENTERAL NUTRIENTS.

(a) IN GENERAL.—Section 1842(o) (42 U.S.C. 1395u(o)), as added by section 4556(a) of the Balanced Budget Act of 1997, is amended to read as follows:

"(o)(1) If a physician's, supplier's, or any other person's bill or request for payment for services includes a charge for a drug, biological, or parenteral nutrient for which payment may be made under this part and the drug, biological, or parenteral nutrient is not paid on a cost or prospective payment basis as otherwise provided in this part, the payment amount established in this subsection for the drug, biological, or parenteral nutrient shall be the lowest of the following:

"(A) The actual acquisition cost, as defined in paragraph (2), to the person submitting the claim for payment for the drug, biological, or parenteral nutrient.

"(B) 95 percent of the average wholesale price of such drug, biological, or parenteral nutrient, as determined by the Secretary.

"(C) For payments for drugs, biologicals, or parenteral nutrients furnished on or after January 1, 2000, the median actual acquisition cost of all claims for payment for such drugs, biologicals, or parenteral nutrients for the 12-month period beginning July 1, 1998 (and adjusted, as the Secretary determines appropriate, to reflect changes in the cost of such drugs, biologicals, or parenteral nutrients due to inflation, and such other factors as the Secretary determines appropriate).

"(D) The amount otherwise determined under this part.

"(2) For purposes of paragraph (1)(A), the term 'actual acquisition cost' means, with respect to such drugs, biologicals, or parenteral nutrients the cost of the drugs, biologicals, or parenteral nutrients based on the most economical case size in inventory on the date of dispensing or, if less, the most economical case size purchased within six months of the date of dispensing whether or not that specific drug, biological, or nutrient was furnished to an individual whether or not enrolled under this part. Such term includes appropriate adjustments, as determined by the Secretary, for all discounts, rebates, or any other benefit in cash or in kind (including travel, equipment, or free products). The Secretary shall include an additional payment for administrative, storage, and handling costs.

"(3)(A) No payment shall be made under this part for drugs, biologicals, or parenteral nutrients to a person whose bill or request for payment for such drugs, biologicals, or parenteral nutrients does not include a statement of the person's actual acquisition cost.

"(B) A person may not bill an individual enrolled under this part—

"(i) any amount other than the payment amount specified in paragraph (1), (4), or (5) (plus any applicable deductible and coinsurance amounts), or

"(ii) any amount for such drugs, biologicals, or parenteral nutrients for which payment may not be made pursuant to subparagraph (A).

"(C) If a person knowingly and willfully in repeated cases bills one or more individuals in violation of subparagraph (B), the Secretary may apply sanctions against that person in accordance with subsection (j)(2).

"(4) The Secretary may pay a reasonable dispensing fee (less the applicable deductible and coinsurance amounts) for drugs or biologicals to a licensed pharmacy approved to dispense drugs or biologicals under this part, if payment for such drugs or biologicals is made to the pharmacy.

"(5) The Secretary shall pay a reasonable amount (less the applicable deductible and coinsurance amounts) for the services associated with the furnishing of parenteral nutrients for which payment is determined under this subsection.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to drugs, biologicals, and parenteral nutrients furnished on or after January 1, 1999.

(c) ELIMINATION OF REPORT ON AVERAGE WHOLESALE PRICE.—Section 4556 of the Balanced Budget Act of 1997 is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

SEC. 3. MENTAL HEALTH PARTIAL HOSPITALIZATION SERVICES

(a) LIMITATION ON LOCATION OF PROVISION OF SERVICES.—

(1) IN GENERAL.—Section 1861(ff)(2) (42 U.S.C. 1395x(ff)(2)) is amended in the matter following subparagraph (I)—

(A) by striking "and furnished" and inserting "furnished"; and

(B) by inserting before the period the following: ", and furnished other than in a skilled nursing facility or in an individual's home or other residential setting".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to partial hospitalization services furnished on or after the first day of the sixth month beginning after the date of the enactment of this Act.

(b) QUALIFICATIONS FOR COMMUNITY MENTAL HEALTH CENTERS.—Section 1861(ff)(3)(B) (42 U.S.C. 1395x(ff)(3)(B)) is amended by striking "entity" and all that follows and inserting the following: "entity that—

"(i) provides the mental health services described in paragraph (1) of section 1913(c) of the Public Health Service Act;

"(ii) meets applicable licensing or certification requirements for community mental health centers in the State in which it is located; and

"(iii) meets such additional standards as the Secretary shall specify to ensure (I) the health and safety of individuals being furnished such services, (II) the effective or efficient furnishing of such services, and (III) the compliance of such entity with the criteria described in such section.".

SEC. 4. INFORMATION REQUIREMENTS.

(a) INFORMATION FROM GROUP HEALTH PLANS.—Section 1862(b) is amended by adding at the end the following:

"(7) INFORMATION FROM GROUP HEALTH PLANS.—

"(A) PROVISION OF INFORMATION BY GROUP HEALTH PLANS.—The administrator of a group health plan subject to the requirements of paragraph (1) shall provide to the Secretary such of the information elements described in subparagraph (C) as the Secretary specifies, and in such manner and at such times as the Secretary may specify (but not more frequently than four times per year), with respect to each individual covered under the plan who is entitled to any benefits under this title.

"(B) PROVISION OF INFORMATION BY EMPLOYERS AND EMPLOYEE ORGANIZATIONS.—An employer (or employee organization) that maintains or participates in a group health plan subject to the requirements of paragraph (1) shall provide to the administrator of the plan such of the information elements required to be provided under subparagraph (A), and in such manner and at such times as the Secretary may specify, at a frequency consistent with that required under subparagraph (A) with respect to each individual described in subparagraph (A) who is covered under the plan by reason of employment with that employer or membership in the organization.

"(C) INFORMATION ELEMENTS.—The information elements described in this subparagraph are the following:

"(i) ELEMENTS CONCERNING THE INDIVIDUAL.—

"(I) The individual's name.

"(II) The individual's date of birth.

"(III) The individual's sex.

"(IV) The individual's social security insurance number.

"(V) The number assigned by the Secretary to the individual for claims under this title.

"(VI) The family relationship of the individual to the person who has or had current or employment status with the employer.

"(ii) ELEMENTS CONCERNING THE FAMILY MEMBER WITH CURRENT OR FORMER EMPLOYMENT STATUS.—

"(I) The name of the person in the individual's family who has current or former employment status with the employer.

"(II) That person's social security insurance number.

"(III) The number or other identifier assigned by the plan to that person.

"(IV) The periods of coverage for that person under the plan.

"(V) The employment status of that person (current or former) during those periods of coverage.

"(VI) The classes (of that person's family members) covered under the plan.

"(iii) PLAN ELEMENTS.—

"(I) The items and services covered under the plan.

"(II) The name and address to which claims under the plan are to be sent.

"(iv) ELEMENTS CONCERNING THE EMPLOYER.—

"(I) The employer's name.

"(II) The employer's address.

"(III) The employer identification number of the employer.

"(D) USE OF IDENTIFIERS.—The administrator of a group health plan shall utilize a unique identifier for the plan in providing information under subparagraph (A) and in other transactions, as may be specified by the Secretary, related to the provisions of this subsection. The Secretary may provide to the administrator the unique identifier described in the preceding sentence.

"(E) PENALTY FOR NONCOMPLIANCE.—Any entity that knowingly and willfully fails to comply with a requirement imposed by the previous subparagraphs shall be subject to a civil money penalty not to exceed $1,000 for each incident of such failure. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under the previous sentence in the same manner as those provisions apply to a penalty or proceeding under section 1128A(a).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

SEC. 5. ELIMINATE OVERPAYMENTS FOR EPOGEN.

Section 1881(b)(11)(B)(ii) (42 U.S.C. 1395rr(b)(11)(B)(ii)) is amended—

(1) in subclause (I)—

(A) by striking "provided during 1994" and inserting "provided before fiscal year 1999"; and

(B) by striking "and" at the end;

(2) by redesignating subclause (II) as subclause (III);

(3) by inserting after subclause (I) the following new subclause:

"(II) for erythropoietin provided during fiscal year 1999, in an amount equal to $9 per thousand units (rounded to the nearest 100 units), and"; and

(4) in subclause (III), as so redesignated, by striking "year" each place it occurs and inserting "fiscal year".

SEC. 6. CENTERS OF EXCELLENCE.

(a) IN GENERAL.—Title XVIII is amended by inserting after section 1896 the following new section:

"CENTERS OF EXCELLENCE

"SEC. 1897. (a) IN GENERAL.—The Secretary shall use a competitive process to contract with specific hospitals or other entities for furnishing services related to surgical procedures, and for furnished services (unrelated to surgical procedures) to hospital inpatients that the Secretary determines to be appropriate. Such services may include any services covered under this title that the Secretary determines to be appropriate, including post-hospital services.

"(b) QUALITY STANDARDS.—Only entities that meet quality standards established by the Secretary shall be eligible to contract under this section. In considering quality, the Secretary shall take into account the quality, experience, and quantity of services of physicians who provide services in more than one entity. Contracting entities shall implement a quality improvement plan approved by the Secretary.

"(c) PAYMENT.—Payment under this section shall be made on the basis of negotiated all-inclusive rates. The amount of payment made by the Secretary to an entity under this title for services covered under a contract shall be less than the aggregate amount of the payments that the Secretary would have otherwise made for the services.

"(d) CONTRACT PERIOD.—A contract period shall be 3 years (subject to renewal), as long as the entity continues to meet quality and other contractual standards.

"(e) INCENTIVES FOR USE OF CENTERS.—The Secretary may permit entities under a contract under this section to furnish additional services or waive beneficiary cost-sharing, subject to the approval of the Secretary.

"(f) LIMIT ON NUMBER OF CENTERS.—The Secretary shall limit the number of centers in a geographic area to the number needed to meet projected demand for contracted services.".

(b) EFFECTIVE DATES.—

(1) The amendment made by subsection (a) applies to services furnished on or after October 1, 1998.

(2) By October 1, 1998, the Secretary shall enter into contracts under the amendment made by subsection (a) for coronary artery by-pass surgery and other heart procedures, knee replacement surgery, and hip replacement surgery, in geographic areas nationwide such that at least 20 percent of the projected number of those procedures can be provided under such contracts.

SEC. 7. REPEAL OF CLARIFICATION CONCERNING LEVELS OF KNOWLEDGE REQUIRED FOR IMPOSITION OF CIVIL MONETARY PENALTIES.

(a) ELIMINATION OF "KNOWING" STANDARD.—Section 1128A(a) (42 U.S.C. 1320a–7a(a)) is amended by striking "knowingly" in paragraphs (1), (2), and (3).

(b) ELIMINATION OF STATUTORY DEFINITION OF "SHOULD KNOW".—Section 1128A(i) (42 U.S.C. 1320a–7a(i)) is amended by striking paragraph (7).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to acts or omissions occurring on or after the date of the enactment of this Act.

SEC. 8. REPEAL OF EXPANDED EXCEPTION FOR RISK-SHARING CONTRACT TO ANTI-KICKBACK PROVISIONS.

(a) IN GENERAL.—Section 1128B(b)(3) (42 U.S.C. 1320a–7b(b)(3)) is amended—

(1) by adding "and" at the end of subparagraph (D);

(2) by striking "; and" at the end of subparagraph (E) and inserting a period; and

(3) by striking subparagraph (F).

(b) ELIMINATION OF REPORT.—Subsection (b) of section 216 of the Health Insurance Portability and Accountability Act of 1996 is repealed.

(c) EFFECTIVE DATES.—(1) The amendments made by subsection (a) shall apply to remuneration provided on or after the date of the enactment of this Act, regardless of whether it is pursuant to an agreement or arrangement entered into before such date.

(2) Subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 9. LIMITING THE USE OF AUTOMATIC STAYS AND DISCHARGE IN BANKRUPTCY PROCEEDINGS FOR PROVIDER LIABILITY FOR HEALTH CARE FRAUD.

(a) NONAPPLICABILITY OF AUTOMATIC STAY PROVISIONS.—

(1) IN EXCLUSION PROCEEDINGS.—Section 1128 (42 U.S.C. 1320a–7), as amended by section 4303(a) of the Balanced Budget Act of 1997, is amended by adding at the end the following new subsection:

"(k) NONAPPLICABILITY OF BANKRUPTCY STAY.—An exclusion imposed under this section or a proceeding seeking an exclusion under this section is not subject to the automatic stay under section 362(a) of title 11, United States Code.".

(2) IN CIVIL MONEY PENALTY PROCEEDINGS.—Section 1128A(a) (42 U.S.C. 1320a–7a(a)) is amended by adding at the end the following: "An exclusion, penalty, or assessment imposed under this section or a proceeding that seeks an exclusion, penalty, or assessment under this section, is not subject to the automatic stay under section 362(a) of title 11, United States Code. Notwithstanding any other provision of law, amounts made payable under this section are not dischargeable under any provision of such title.".

(3) IN RECOUPMENT UNDER PART A OF MEDICARE.—Section 1815(d) (42 U.S.C. 1395g(d)) is amended—

(A) by inserting "(1)" after "(d)", and

(B) by adding at the end the following:

"(2) The recoupment of an overpayment under this section is not subject to the automatic stay under section 362(a) of title 11, United States Code. Notwithstanding any other provision of law, amounts due to the Secretary under this section are not dischargeable under any provision of such title.".

(4) IN RECOUPMENT UNDER PART B OF MEDICARE.—Section 1833(j) (42 U.S.C. 1395l(j)) is amended—

(A) by inserting "(1)" after"(j)", and

(B) by adding at the end the following:

"(2) The recoupment of an overpayment under this section is not subject to the automatic stay under section 362(a) of title 11, United States Code. Notwithstanding any other provision of law, amounts due to the Secretary under this section are not dischargeable under any provision of such title.".

(5) IN COLLECTION OF OVERDUE PAYMENTS ON SCHOLARSHIPS AND LOANS.—Section 1892(a)(4) (42 U.S.C. 1395ccc(a)(4)) is amended by adding at the end the following:

"(5) An exclusion imposed under paragraph (2)(C)(ii) or (3)(B) is not subject to the automatic stay under section 362(a) of title 11, United States Code.".

(b) NONDISCHARGABILITY.—

(1) IN CIVIL MONEY PENALTY PROCEEDINGS.—Section 1128A(a) (42 U.S.C. 1320a–7a(a)), as amended by subsection (a)(2), is further amended by adding at the end the following: "Notwithstanding any other provision of law, amounts made payable under this section are not dischargeable under any provision of such title.".

(2) IN RECOUPMENT UNDER PART A OF MEDICARE.—Section 1815(d) (42 U.S.C. 1395g(d)(2)), as amended by subsection (a)(3), is further amended by adding at the end the following:

"(3) Notwithstanding any other provision of law, amounts due to the Secretary under this section are not dischargeable under any provision of such title.".

(3) IN RECOUPMENT UNDER PART B OF MEDICARE.—Section 1833(j) (42 U.S.C. 1395l(j)), as amended by subsection (a)(4), is further amended by adding at the end the following: "Notwithstanding any other provision of law, amounts due to the Secretary under this section are not dischargeable under any provision of such title.".

(c) EFFECTIVE DATES.—

(1) The amendments made by subsection (a) shall apply to bankruptcy petitions filed after the date of the enactment of this Act.

(2) The amendments made by subsection (b) shall apply on and after the date of the enactment of this Act to any proceeding which has not been completed as of such date.

SEC. 10. ADMINISTRATIVE FEES FOR MEDICARE OVERPAYMENT COLLECTION.

(a) ADMINISTRATIVE FEES FOR PROVIDERS OF SERVICES UNDER PART A.—Section 1815(d) (42 U.S.C. 1395g(d)), as amended by section 9(a)(3), is amended by adding at the end the following new paragraph:

"(3)(A) Except as provided in subparagraph (B), if the payment of the excess described in paragraph (1) is not made (or effected by offset) within 30 days of the date of the determination, an administrative fee of 1 percent of the outstanding balance of the excess (after application of paragraph (1)), or such lower amount as an Administrative Law Judge may determine upon an appeal of the initial determination of the excess, shall be imposed on the provider, for deposit into the Trust Fund under this part.

"(B) The administrative fee shall be imposed under subparagraph (A) on a provider of services paid on a prospective basis only if such provider's cost report with respect to the payment determined to be in excess of the payment due under this part indicates that the provider's projected costs exceeded its actual costs by 30 percent or more.".

(b) ADMINISTRATIVE FEES FOR PROVIDERS OF SERVICES OR OTHER PERSONS UNDER PART B.—Section 1833(j) (42 U.S.C. 1395*l*(j)), as amended by section 9(a)(4), is amended by adding at the end the following new paragraph:

"(3) If the excess described in paragraph (1) is not made (or effected by offset) within 30 days of the date of the determination, an administrative fee of 1 percent of the outstanding balance of the excess (after application of paragraph (1)), or such lower amount as an Administrative Law Judge may determine upon an appeal of the initial determination of the excess, shall be imposed on the provider, or other person receiving the excess, for deposit into the Trust Fund under this part.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to final determinations made on or after the date of enactment of this Act.

By Mr. MOYNIHAN (for himself, Mr. KENNEDY, Mr. DASCHLE, Mrs. BOXER, Mr. DODD, Mr. DURBIN, Mr. GLENN, Mr. HARKIN, Mr. KERRY, Mr. LAUTENBERG, Ms. MOSELEY-BRAUN, Mr. ROCKEFELLER, and Mr. TORRICELLI):

S. 1789. A bill to amend title XVIII of the Social Security Act and the Employee Retirement Income Security Act of 1974 to improve access to health insurance and medicare benefits for individuals ages 55 to 65 to be fully funded through premiums and anti-fraud provision, and for other purposes; to the Committee on Finance.

THE MEDICARE EARLY ACCESS ACT OF 1998

Mr. MOYNIHAN. Mr. President, I rise to introduce a bill to provide access to health insurance for individuals between the ages of 55–65. These individuals are too young for Medicare, not poor enough to qualify for Medicaid, and in many cases, are forced into early retirement or pushed out of their jobs in corporate downsizing.

The "Medicare Early Access Act" is based on the President's three-part initiative announced on January 6, 1998. The bill is a targeted, self-financing proposal to give older Americans under 65 new options to obtain health insurance coverage. Many of these Americans have worked hard all their lives, but, through no fault of their own, find themselves uninsured just as they are entering the years when the risk of serious illness is increasing. This legislation attempts to bridge the gap in coverage between years when persons are in the labor and the age—(65) when they become eligible for Medicare.

The bill has three parts: (1) It enables persons between ages 62 and 64 to buy into Medicare by paying a full premium; (2) it provides displaced workers over age 55 access to Medicare by offering a similar Medicare buy-in option; and (3) it extends COBRA coverage to persons 55 and over whose employers withdraw retiree health benefits. A more detailed description of the proposal is attached.

THE COST

The program is self-financing and is largely paid for by premiums from the beneficiaries themselves. The financing of the program is carefully walled off from the Medicare Part A and Part B Trust Funds, to ensure that it will not adversely impact the existing program.

There is a modest cost to the buy-in proposal for 62–65 year-olds because participants would pay the premium in two parts: most of the cost would be paid by the individual up front; a smaller amount would be paid after they turn 65 years old. Medicare would in effect "loan" participants the second part of the premium until they reach 65, when they would make small

monthly payments in addition to their regular Medicare Part B premium. That "loan" accounts for most of the Medicare costs of the legislation, and is fully offset by a separate savings from a separate bill to reduce Medicare waste, fraud and overpayment that I am also introducing at this time.

The CBO analysis of this bill found no impact on the Medicare Part A or Part B Trust Funds. The net cost of the two bills is virtually zero—an average of about $60 million per year. CBO also predicted that about 410,000 individuals would participate (or 33 percent more than first estimated by the Administration). Finally, CBO estimated that the post-65 premium that people ages 62–65 would pay would be only $10 per month per year—$6 per month, or $72 less per year, than the Administration estimated.

Mr. President, the problem of health insurance for the near elderly is getting worse. Congress should act now to provide valuable coverage for these individuals.

Mr. President, I ask unanimous consent that the full text and summary of the bill be printed in the RECORD.

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

S. 1789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Early Access Act of 1998".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
TITLE I—ACCESS TO MEDICARE BENEFITS FOR INDIVIDUALS 62-TO-65 YEARS OF AGE
Sec. 101. Access to medicare benefits for individuals 62-to-65 years of age.
"PART D—PURCHASE OF MEDICARE BENEFITS BY CERTAIN INDIVIDUALS AGE 62-TO-65 YEARS OF AGE
"Sec. 1859. Program benefits; eligibility.
"Sec. 1859A. Enrollment process; coverage.
"Sec. 1859B. Premiums.
"Sec. 1859C. Payment of premiums.
"Sec. 1859D. Medicare Early Access Trust Fund.
"Sec. 1859E. Oversight and accountability.
"Sec. 1859F. Administration and miscellaneous.
TITLE II—ACCESS TO MEDICARE BENEFITS FOR DISPLACED WORKERS 55-TO-62 YEARS OF AGE
Sec. 201. Access to medicare benefits for displaced workers 55-to-62 years of age.
TITLE III—COBRA PROTECTION FOR EARLY RETIREES
Subtitle A—Amendments to the Employee Retirement Income Security Act of 1974
Sec. 301. COBRA continuation benefits for certain retired workers who lose retiree health coverage.
Subtitle B—Amendments to the Public Health Service Act
Sec. 311. COBRA continuation benefits for certain retired workers who lose retiree health coverage.
Subtitle C—Amendments to the Internal Revenue Code of 1986
Sec. 321. COBRA continuation benefits for certain retired workers who lose retiree health coverage.
TITLE IV—FINANCING
Sec. 401. Reference to financing provisions.

TITLE I—ACCESS TO MEDICARE BENEFITS FOR INDIVIDUALS 62-TO-65 YEARS OF AGE

SEC. 101. ACCESS TO MEDICARE BENEFITS FOR INDIVIDUALS 62-TO-65 YEARS OF AGE.

(a) IN GENERAL.—Title XVIII of the Social Security Act is amended—

(1) by redesignating section 1859 and part D as section 1858 and part E, respectively; and

(2) by inserting after such section the following new part:

"PART D—PURCHASE OF MEDICARE BENEFITS BY CERTAIN INDIVIDUALS AGE 62-TO-65 YEARS OF AGE

"SEC. 1859. PROGRAM BENEFITS; ELIGIBILITY.

"(a) ENTITLEMENT TO MEDICARE BENEFITS FOR ENROLLED INDIVIDUALS.—

"(1) IN GENERAL.—An individual enrolled under this part is entitled to the same benefits under this title as an individual entitled to benefits under part A and enrolled under part B.

"(2) DEFINITIONS.—For purposes of this part:

"(A) FEDERAL OR STATE COBRA CONTINUATION PROVISION.—The term 'Federal or State COBRA continuation provision' has the meaning given the term 'COBRA continuation provision' in section 2791(d)(4) of the Public Health Service Act and includes a comparable State program, as determined by the Secretary.

"(B) FEDERAL HEALTH INSURANCE PROGRAM DEFINED.—The term 'Federal health insurance program' means any of the following:

"(i) MEDICARE.—Part A or part B of this title (other than by reason of this part).

"(ii) MEDICAID.—A State plan under title XIX.

"(iii) FEHBP.—The Federal employees health benefit program under chapter 89 of title 5, United States Code.

"(iv) TRICARE.—The TRICARE program (as defined in section 1072(7) of title 10, United States Code).

"(v) ACTIVE DUTY MILITARY.—Health benefits under title 10, United States Code, to an individual as a member of the uniformed services of the United States.

"(C) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning given such term in section 2791(a)(1) of the Public Health Service Act.

"(b) ELIGIBILITY OF INDIVIDUALS AGE 62-TO-65 YEARS OF AGE.—

"(1) IN GENERAL.—Subject to paragraph (2), an individual who meets the following requirements with respect to a month is eligible to enroll under this part with respect to such month:

"(A) AGE.—As of the last day of the month, the individual has attained 62 years of age, but has not attained 65 years of age.

"(B) MEDICARE ELIGIBILITY (BUT FOR AGE).—The individual would be eligible for benefits under part A or part B for the month if the individual were 65 years of age.

"(C) NOT ELIGIBLE FOR COVERAGE UNDER GROUP HEALTH PLANS OR FEDERAL HEALTH INSURANCE PROGRAMS.—The individual is not eligible for benefits or coverage under a Federal health insurance program (as defined in subsection (a)(2)(B)) or under a group health plan (other than such eligibility merely through a Federal or State COBRA continuation provision) as of the last day of the month involved.

"(2) LIMITATION ON ELIGIBILITY IF TERMINATED ENROLLMENT.—If an individual described in paragraph (1) enrolls under this part and coverage of the individual is terminated under section 1859A(d) (other than because of age), the individual is not again eligible to enroll under this subsection unless the following requirements are met:

"(A) NEW COVERAGE UNDER GROUP HEALTH PLAN OR FEDERAL HEALTH INSURANCE PROGRAM.—After the date of termination of coverage under such section, the individual obtains coverage under a group health plan or under a Federal health insurance program.

"(B) SUBSEQUENT LOSS OF NEW COVERAGE.—The individual subsequently loses eligibility for the coverage described in subparagraph (A) and exhausts any eligibility the individual may subsequently have for coverage under a Federal or State COBRA continuation provision.

"(3) CHANGE IN HEALTH PLAN ELIGIBILITY DOES NOT AFFECT COVERAGE.—In the case of an individual who is eligible for and enrolls under this part under this subsection, the individual's continued entitlement to benefits under this part shall not be affected by the individual's subsequent eligibility for benefits or coverage described in paragraph (1)(C), or entitlement to such benefits or coverage.

"SEC. 1859A. ENROLLMENT PROCESS; COVERAGE.

"(a) IN GENERAL.—An individual may enroll in the program established under this part only in such manner and form as may be prescribed by regulations, and only during an enrollment period prescribed by the Secretary consistent with the provisions of this section. Such regulations shall provide a process under which—

"(1) individuals eligible to enroll as of a month are permitted to pre-enroll during a prior month within an enrollment period described in subsection (b); and

"(2) each individual seeking to enroll under section 1859(b) is notified, before enrolling, of the deferred monthly premium amount the individual will be liable for under section 1859C(b) upon attaining 65 years of age as determined under section 1859B(c)(3).

"(b) ENROLLMENT PERIODS.—

"(1) INDIVIDUALS 62-TO-65 YEARS OF AGE.—In the case of individuals eligible to enroll under this part under section 1859(b)—

"(A) INITIAL ENROLLMENT PERIOD.—If the individual is eligible to enroll under such section for July 1999, the enrollment period shall begin on May 1, 1999, and shall end on August 31, 1999. Any such enrollment before July 1, 1999, is conditioned upon compliance with the conditions of eligibility for July 1999.

"(B) SUBSEQUENT PERIODS.—If the individual is eligible to enroll under such section for a month after July 1999, the enrollment period shall begin on the first day of the second month before the month in which the individual first is eligible to so enroll and shall end four months later. Any such enrollment before the first day of the third month of such enrollment period is conditioned upon compliance with the conditions of eligibility for such third month.

"(2) AUTHORITY TO CORRECT FOR GOVERNMENT ERRORS.—The provisions of section 1837(h) apply with respect to enrollment under this part in the same manner as they apply to enrollment under part B.

"(c) DATE COVERAGE BEGINS.—

"(1) IN GENERAL.—The period during which an individual is entitled to benefits under this part shall begin as follows, but in no case earlier than July 1, 1999:

"(A) In the case of an individual who enrolls (including pre-enrolls) before the month in which the individual satisfies eligibility for enrollment under section 1859, the first day of such month of eligibility.

"(B) In the case of an individual who enrolls during or after the month in which the individual first satisfies eligibility for enrollment under such section, the first day of the following month.

"(2) AUTHORITY TO PROVIDE FOR PARTIAL MONTHS OF COVERAGE.—Under regulations, the Secretary may, in the Secretary's discretion, provide for coverage periods that include portions of a month in order to avoid lapses of coverage.

"(3) LIMITATION ON PAYMENTS.—No payments may be made under this title with respect to the expenses of an individual enrolled under this part unless such expenses were incurred by such individual during a period which, with respect to the individual, is a coverage period under this section.

"(d) TERMINATION OF COVERAGE.—

"(1) IN GENERAL.—An individual's coverage period under this part shall continue until the individual's enrollment has been terminated at the earliest of the following:

"(A) GENERAL PROVISIONS.—

"(i) NOTICE.—The individual files notice (in a form and manner prescribed by the Secretary) that the individual no longer wishes to participate in the insurance program under this part.

"(ii) NONPAYMENT OF PREMIUMS.—The individual fails to make payment of premiums required for enrollment under this part.

"(iii) MEDICARE ELIGIBILITY.—The individual becomes entitled to benefits under part A or enrolled under part B (other than by reason of this part).

"(B) TERMINATION BASED ON AGE.—The individual attains 65 years of age.

"(2) EFFECTIVE DATE OF TERMINATION.—

"(A) NOTICE.—The termination of a coverage period under paragraph (1)(A)(i) shall take effect at the close of the month following for which the notice is filed.

"(B) NONPAYMENT OF PREMIUM.—The termination of a coverage period under paragraph (1)(A)(ii) shall take effect on a date determined under regulations, which may be determined so as to provide a grace period in which overdue premiums may be paid and coverage continued. The grace period determined under the preceding sentence shall not exceed 60 days; except that it may be extended for an additional 30 days in any case where the Secretary determines that there was good cause for failure to pay the overdue premiums within such 60-day period.

"(C) AGE OR MEDICARE ELIGIBILITY.—The termination of a coverage period under paragraph (1)(A)(iii) or (1)(B) shall take effect as of the first day of the month in which the individual attains 65 years of age or becomes entitled to benefits under part A or enrolled for benefits under part B (other than by reason of this part).

"SEC. 1859B. PREMIUMS.

"(a) AMOUNT OF MONTHLY PREMIUMS.—

"(1) BASE MONTHLY PREMIUMS.—The Secretary shall, during September of each year (beginning with 1998), determine the following premium rates which shall apply with respect to coverage provided under this title for any month in the succeeding year:

"(A) BASE MONTHLY PREMIUM FOR INDIVIDUALS 62 YEARS OF AGE OR OLDER.—A base monthly premium for individuals 62 years of age or older, equal to 1/12 of the base annual premium rate computed under subsection (b) for each premium area.

"(2) DEFERRED MONTHLY PREMIUMS FOR INDIVIDUALS 62 YEARS OF AGE OR OLDER.—The Secretary shall, during September of each year (beginning with 1998), determine under subsection (c) the amount of deferred monthly premiums that shall apply with respect to individuals who first obtain coverage under this part under section 1859(b) in the succeeding year.

"(3) ESTABLISHMENT OF PREMIUM AREAS.—For purposes of this part, the term 'premium area' means such an area as the Secretary shall specify to carry out this part. The Secretary from time to time may change the boundaries of such premium areas. The Secretary shall seek to minimize the number of such areas specified under this paragraph.

"(b) BASE ANNUAL PREMIUM FOR INDIVIDUALS 62 YEARS OF AGE OR OLDER.—

"(1) NATIONAL, PER CAPITA AVERAGE.—The Secretary shall estimate the average, annual per capita amount that would be payable under this title with respect to individuals residing in the United States who meet the requirement of section 1859(b)(1)(A) as if all such individuals were eligible for (and enrolled) under this title during the entire year (and assuming that section 1862(b)(2)(A)(i) did not apply).

"(2) GEOGRAPHIC ADJUSTMENT.—The Secretary shall adjust the amount determined under paragraph (1) for each premium area (specified under subsection (a)(3)) in order to take into account such factors as the Secretary deems appropriate and shall limit the maximum premium under this paragraph in a premium area to assure participation in all areas throughout the United States.

"(3) BASE ANNUAL PREMIUM.—The base annual premium under this subsection for months in a year for individuals 62 years of age or older residing in a premium area is equal to the average, annual per capita amount estimated under paragraph (1) for the year, adjusted for such area under paragraph (2).

"(c) DEFERRED PREMIUM RATE FOR INDIVIDUALS 62 YEARS OF AGE OR OLDER.—The deferred premium rate for individuals with a group of individuals who obtain coverage under section 1859(b) in a year shall be computed by the Secretary as follows:

"(1) ESTIMATION OF NATIONAL, PER CAPITA ANNUAL AVERAGE EXPENDITURES FOR ENROLLMENT GROUP.—The Secretary shall estimate the average, per capita annual amount that will be paid under this part for individuals in such group during the period of enrollment under section 1859(b). In making such estimate for coverage beginning in a year before 2003, the Secretary may base such estimate on the average, per capita amount that would be payable if the program had been in operation over a previous period of at least 4 years.

"(2) DIFFERENCE BETWEEN ESTIMATED EXPENDITURES AND ESTIMATED PREMIUMS.—Based on the characteristics of individuals in such group, the Secretary shall estimate during the period of coverage of the group under this part under section 1859(b) the amount by which—

"(A) the amount estimated under paragraph (1); exceeds

"(B) the average, annual per capita amount of premiums that will be payable for months during the year under section 1859C(a) for individuals in such group (including premiums that would be payable if there were no terminations in enrollment under clause (i) or (ii) of section 1859A(d)(1)(A)).

"(3) ACTUARIAL COMPUTATION OF DEFERRED MONTHLY PREMIUM RATES.—The Secretary shall determine deferred monthly premium rates for individuals in such group in a manner so that—

"(A) the estimated actuarial value of such premiums payable under section 1859C(b), is equal to

"(B) the estimated actuarial present value of the differences described in paragraph (2).

Such rate shall be computed for each individual in the group in a manner so that the rate is based on the number of months between the first month of coverage based on enrollment under section 1859(b) and the month in which the individual attains 65 years of age.

"(4) DETERMINANTS OF ACTUARIAL PRESENT VALUES.—The actuarial present values described in paragraph (3) shall reflect—

"(A) the estimated probabilities of survival at ages 62 through 84 for individuals enrolled during the year; and

"(B) the estimated effective average interest rates that would be earned on investments held in the trust funds under this title during the period in question.

"SEC. 1859C. PAYMENT OF PREMIUMS.

"(a) PAYMENT OF BASE MONTHLY PREMIUM.—

"(1) IN GENERAL.—The Secretary shall provide for payment and collection of the base monthly premium, determined under section 1859B(a)(1) for the age (and age cohort, if applicable) of the individual involved and the premium area in which the individual principally resides, in the same manner as for payment of monthly premiums under section 1840, except that, for purposes of applying this section, any reference in such section to the Federal Supplementary Medical Insurance Trust Fund is deemed a reference to the Trust Fund established under section 1859D.

"(2) PERIOD OF PAYMENT.—In the case of an individual who participates in the program established by this title, the base monthly premium shall be payable for the period commencing with the first month of the individual's coverage period and ending with the month in which the individual's coverage under this title terminates.

"(b) PAYMENT OF DEFERRED PREMIUM FOR INDIVIDUALS COVERED AFTER ATTAINING AGE 62.—

"(1) RATE OF PAYMENT.—

"(A) IN GENERAL.—In the case of an individual who is covered under this part for a month pursuant to an enrollment under section 1859(b), subject to subparagraph (B), the individual is liable for payment of a deferred premium in each month during the period described in paragraph (2) in an amount equal to the full deferred monthly premium rate determined for the individual under section 1859B(c).

"(B) SPECIAL RULES FOR THOSE WHO DISENROLL EARLY.—

"(i) IN GENERAL.—If such an individual's enrollment under such section is terminated under clause (i) or (ii) of section 1859A(d)(1)(A), subject to clause (ii), the amount of the deferred premium otherwise established under this paragraph shall be pro-rated to reflect the number of months of coverage under this part under such enrollment compared to the maximum number of months of coverage that the individual would have had if the enrollment were not so terminated.

"(ii) ROUNDING TO 12-MONTH MINIMUM COVERAGE PERIODS.—In applying clause (i), the number of months of coverage (if not a multiple of 12) shall be rounded to the next highest multiple of 12 months, except that in no case shall this clause result in a number of months of coverage exceeding the maximum number of months of coverage that the individual would have had if the enrollment were not so terminated.

"(2) PERIOD OF PAYMENT.—The period described in this paragraph for an individual is the period beginning with the first month in which the individual has attained 65 years of age and ending with the month before the month in which the individual attains 85 years of age.

"(3) COLLECTION.—In the case of an individual who is liable for a premium under this subsection, the amount of the premium shall be collected in the same manner as the premium for enrollment under such part is collected under section 1840, except that any reference in such section to the Federal Supplementary Medical Insurance Trust Fund is deemed to be a reference to the Medicare Early Access Trust Fund established under section 1859D.

"(c) APPLICATION OF CERTAIN PROVISIONS.—The provisions of section 1840 (other than subsection (h)) shall apply to premiums collected under this section in the same manner as they apply to premiums collected under part B, except that any reference in such section to the Federal Supplementary Medical Insurance Trust Fund is deemed a reference to the Trust Fund established under section 1859D.

"SEC. 1859D. MEDICARE EARLY ACCESS TRUST FUND.

"(a) ESTABLISHMENT OF TRUST FUND.—

"(1) IN GENERAL.—There is hereby created on the books of the Treasury of the United States a trust fund to be known as the 'Medicare Early Access Trust Fund' (in this section referred to as the 'Trust Fund'). The Trust Fund shall consist of such gifts and bequests as may be made as provided in section 201(i)(1) and such amounts as may be deposited in, or appropriated to, such fund as provided in this title.

"(2) PREMIUMS.—Premiums collected under section 1859B shall be transferred to the Trust Fund.

"(3) TRANSFER OF SAVINGS FROM NEW FRAUD AND ABUSE INITIATIVES.—

"(A) IN GENERAL.—There is hereby transferred to the Trust Fund from the Federal Hospital Insurance Trust Fund and from the Federal Supplementary Medical Insurance Trust Fund amounts equivalent to the amounts (specified under subparagraph (B)) of the reductions in expenditures under such respective trust fund as may be attributable to the enactment of the Medicare Fraud and Overpayment Act of 1998.

"(B) USE OF CBO ESTIMATES.—For each fiscal year during the 10-fiscal-year period beginning with fiscal year 1999, the amounts under subparagraph (A) shall be the amounts described in such subparagraph as determined by the Congressional Budget Office at the time of, and in connection with, the enactment of the Medicare Early Access Act of 1998. For subsequent fiscal years, the amounts under subparagraph (A) shall be the amount determined under this subparagraph for the previous fiscal year increased by the same percentage as the percentage increase in aggregate expenditures under this title from the second previous fiscal year to the previous fiscal year.

"(b) INCORPORATION OF PROVISIONS.—

"(1) IN GENERAL.—Subject to paragraph (2), subsections (b) through (i) of section 1841 shall apply with respect to the Trust Fund and this title in the same manner as they apply with respect to the Federal Supplementary Medical Insurance Trust Fund and part B, respectively.

"(2) MISCELLANEOUS REFERENCES.—In applying provisions of section 1841 under paragraph (1)—

"(A) any reference in such section to 'this part' is construed to refer to this part D;

"(B) any reference in section 1841(h) to section 1840(d) and in section 1841(i) to sections 1840(b)(1) and 1842(g) are deemed references to comparable authority exercised under this part; and

"(C) payments may be made under section 1841(g) to the Trust Funds under sections 1817 and 1841 as reimbursement to such funds for payments they made for benefits provided under this part.

"SEC. 1859E. OVERSIGHT AND ACCOUNTABILITY.

"(a) THROUGH ANNUAL REPORTS OF TRUSTEES.—The Board of Trustees of the Medicare Early Access Trust Fund under section 1859D(b)(1) shall report on an annual basis to Congress concerning the status of the Trust Fund and the need for adjustments in the program under this part to maintain financial solvency of the program under this part.

"(b) PERIODIC GAO REPORTS.—The Comptroller General of the United States shall periodically submit to Congress reports on the adequacy of the financing of coverage provided under this part. The Comptroller General shall include in such report such recommendations for adjustments in such financing and coverage as the Comptroller General deems appropriate in order to maintain financial solvency of the program under this part.

"SEC. 1859F. ADMINISTRATION AND MISCELLANEOUS.

"(a) TREATMENT FOR PURPOSES OF TITLE.—Except as otherwise provided in this part—

"(1) individuals enrolled under this part shall be treated for purposes of this title as though the individual were entitled to benefits under part A and enrolled under part B; and

"(2) benefits described in section 1859 shall be payable under this title to such individuals in the same manner as if such individuals were so entitled and enrolled.

"(b) NOT TREATED AS MEDICARE PROGRAM FOR PURPOSES OF MEDICAID PROGRAM.—For purposes of applying title XIX (including the provision of medicare cost-sharing assistance under such title), an individual who is enrolled under this part shall not be treated as being entitled to benefits under this title.

"(c) NOT TREATED AS MEDICARE PROGRAM FOR PURPOSES OF COBRA CONTINUATION PROVISIONS.—In applying a COBRA continuation provision (as defined in section 2791(d)(4) of the Public Health Service Act), any reference to an entitlement to benefits under this title shall not be construed to include entitlement to benefits under this title pursuant to the operation of this part.".

(b) CONFORMING AMENDMENTS TO SOCIAL SECURITY ACT PROVISIONS.—

(1) Section 201(i)(1) of the Social Security Act (42 U.S.C. 401(i)(1)) is amended by striking "or the Federal Supplementary Medical Insurance Trust Fund" and inserting "the Federal Supplementary Medical Insurance Trust Fund, and the Medicare Early Access Trust Fund".

(2) Section 201(g)(1)(A) of such Act (42 U.S.C. 401(g)(1)(A)) is amended by striking and the Federal Supplementary Medical Insurance Trust Fund established by title XVIII" and inserting ", the Federal Supplementary Medical Insurance Trust Fund, and the Medicare Early Access Trust Fund established by title XVIII".

(3) Section 1820(i) of such Act (42 U.S.C. 1395i-4(i)) is amended by striking "part D" and inserting "part E".

(4) Part C of title XVIII of such Act is amended—

(A) in section 1851(a)(2)(B) (42 U.S.C. 1395w-21(a)(2)(B)), by striking "1859(b)(3)" and inserting "1858(b)(3);

(B) in section 1851(a)(2)(C) (42 U.S.C. 1395w-21(a)(2)(C)), by striking "1859(b)(2)" and inserting "1858(b)(2)";

(C) in section 1852(a)(1) (42 U.S.C. 1395w-22(a)(1)), by striking "1859(b)(3)" and inserting "1858(b)(3);

(D) in section 1852(a)(3)(B)(ii) (42 U.S.C. 1395w-22(a)(3)(B)(ii)), by striking "1859(b)(2)(B)" and inserting "1858(b)(2)(B)";

(E) in section 1853(a)(1)(A) (42 U.S.C. 1395w-23(a)(1)(A)), by striking "1859(e)(4)" and inserting "1858(e)(4)"; and

(F) in section 1853(a)(3)(D) (42 U.S.C. 1395w-23(a)(3)(D)), by striking "1859(e)(4)" and inserting "1858(e)(4)".

(5) Section 1853(c) of such Act (42 U.S.C. 1395w-23(c)) is amended—

(A) in paragraph (1), by striking "or (7)" and inserting ", (7), or (8)", and

(B) by adding at the end the following:

"(8) ADJUSTMENT FOR EARLY ACCESS.—In applying this subsection with respect to individuals entitled to benefits under part D, the Secretary shall provide for an appropriate adjustment in the Medicare+Choice capitation rate as may be appropriate to reflect differences between the population served under such part and the population under parts A and B.".

(c) OTHER CONFORMING AMENDMENTS.—

(1) Section 138(b)(4) of the Internal Revenue Code of 1986 is amended by striking "1859(b)(3)" and inserting "1858(b)(3)".

(2)(A) Section 602(2)(D)(ii) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1162(2)) is amended by inserting "(not including an individual who is so entitled pursuant to enrollment under section 1859A)" after "Social Security Act".

(B) Section 2202(2)(D)(ii) of the Public Health Service Act (42 U.S.C. 300bb-2(2)(D)(ii)) is amended by inserting "(not including an individual who is so entitled pursuant to enrollment under section 1859A)" after "Social Security Act".

(C) Section 4980B(f)(2)(B)(i)(V) of the Internal Revenue Code of 1986 is amended by inserting "(not including an individual who is so entitled pursuant to enrollment under section 1859A)" after "Social Security Act".

TITLE II—ACCESS TO MEDICARE BENEFITS FOR DISPLACED WORKERS 55-TO-62 YEARS OF AGE

SEC. 201. ACCESS TO MEDICARE BENEFITS FOR DISPLACED WORKERS 55-TO-62 YEARS OF AGE.

(a) ELIGIBILITY.—Section 1859 of the Social Security Act, as inserted by section 101(a)(2), is amended by adding at the end the following new subsection:

"(c) DISPLACED WORKERS AND SPOUSES.—

"(1) DISPLACED WORKERS.—Subject to paragraph (3), an individual who meets the following requirements with respect to a month is eligible to enroll under this part with respect to such month:

"(A) AGE.—As of the last day of the month, the individual has attained 55 years of age, but has not attained 62 years of age.

"(B) MEDICARE ELIGIBILITY (BUT FOR AGE).—The individual would be eligible for benefits under part A or part B for the month if the individual were 65 years of age.

"(C) LOSS OF EMPLOYMENT-BASED COVERAGE.—

"(i) ELIGIBLE FOR UNEMPLOYMENT COMPENSATION.—The individual meets the requirements relating to period of covered employment and conditions of separation from employment to be eligible for unemployment compensation (as defined in section 85(b) of the Internal Revenue Code of 1986), based on a separation from employment occurring on or after January 1, 1998. The previous sentence shall not be construed as requiring the

individual to be receiving such unemployment compensation.

"(ii) LOSS OF EMPLOYMENT-BASED COVERAGE.—Immediately before the time of such separation of employment, the individual was covered under a group health plan on the basis of such employment, and, because of such loss, is no longer eligible for coverage under such plan (including such eligibility based on the application of a Federal or State COBRA continuation provision) as of the last day of the month involved.

"(iii) PREVIOUS CREDITABLE COVERAGE FOR AT LEAST 1 YEAR.—As of the date on which the individual loses coverage described in clause (ii), the aggregate of the periods of creditable coverage (as determined under section 2701(c) of the Public Health Service Act) is 12 months or longer.

"(D) EXHAUSTION OF AVAILABLE COBRA CONTINUATION BENEFITS.—

"(i) IN GENERAL.—In the case of an individual described in clause (ii) for a month described in clause (iii)—

"(I) the individual (or spouse) elected coverage described in clause (ii); and

"(II) the individual (or spouse) has continued such coverage for all months described in clause (iii) in which the individual (or spouse) is eligible for such coverage.

"(ii) INDIVIDUALS TO WHOM COBRA CONTINUATION COVERAGE MADE AVAILABLE.—An individual described in this clause is an individual—

"(I) who was offered coverage under a Federal or State COBRA continuation provision at the time of loss of coverage eligibility described in subparagraph (C)(ii); or

"(II) whose spouse was offered such coverage in a manner that permitted coverage of the individual at such time.

"(iii) MONTHS OF POSSIBLE COBRA CONTINUATION COVERAGE.—A month described in this clause is a month for which an individual described in clause (ii) could have had coverage described in such clause as of the last day of the month if the individual (or the spouse of the individual, as the case may be) had elected such coverage on a timely basis.

"(E) NOT ELIGIBLE FOR COVERAGE UNDER FEDERAL HEALTH INSURANCE PROGRAM OR GROUP HEALTH PLANS.—The individual is not eligible for benefits or coverage under a Federal health insurance program or under a group health plan (whether on the basis of the individual's employment or employment of the individual's spouse) as of the last day of the month involved.

"(2) SPOUSE OF DISPLACED WORKER.—Subject to paragraph (3), an individual who meets the following requirements with respect to a month is eligible to enroll under this part with respect to such month:

"(A) AGE.—As of the last day of the month, the individual has not attained 62 years of age.

"(B) MARRIED TO DISPLACED WORKER.—The individual is the spouse of an individual at the time the individual enrolls under this part under paragraph (1) and loses coverage described in paragraph (1)(C)(ii) because the individual's spouse lost such coverage.

"(C) MEDICARE ELIGIBILITY (BUT FOR AGE); EXHAUSTION OF ANY COBRA CONTINUATION COVERAGE; AND NOT ELIGIBLE FOR COVERAGE UNDER FEDERAL HEALTH INSURANCE PROGRAM OR GROUP HEALTH PLAN.—The individual meets the requirements of subparagraphs (B), (D), and (E) of paragraph (1).

"(3) CHANGE IN HEALTH PLAN ELIGIBILITY AFFECTS CONTINUED ELIGIBILITY.—For provision that terminates enrollment under this section in the case of an individual who becomes eligible for coverage under a group health plan or under a Federal health insurance program, see section 1859A(d)(1)(C).

"(4) REENROLLMENT PERMITTED.—Nothing in this subsection shall be construed as preventing an individual who, after enrolling under this subsection, terminates such enrollment from subsequently reenrolling under this subsection if the individual is eligible to enroll under this subsection at that time.".

(b) ENROLLMENT.—Section 1859A of such Act, as so inserted, is amended—

(1) in subsection (a), by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting "; and", and by adding at the end the following new paragraph:

"(3) individuals whose coverage under this part would terminate because of subsection (d)(1)(B)(ii) are provided notice and an opportunity to continue enrollment in accordance with section 1859E(c)(1).";

(2) in subsection (b), by inserting after Notwithstanding any other provision of law, (1) the following:

"(2) DISPLACED WORKERS AND SPOUSES.—In the case of individuals eligible to enroll under this part under section 1859(c), the following rules apply:

"(A) INITIAL ENROLLMENT PERIOD.—If the individual is first eligible to enroll under such section for July 1999, the enrollment period shall begin on May 1, 1999, and shall end on August 31, 1999. Any such enrollment before July 1, 1999, is conditioned upon compliance with the conditions of eligibility for July 1999.

"(B) SUBSEQUENT PERIODS.—If the individual is eligible to enroll under such section for a month after July 1999, the enrollment period based on such eligibility shall begin on the first day of the second month before the month in which the individual first is eligible to so enroll (or reenroll) and shall end four months later.";

(3) in subsection (d)(1), by amending subparagraph (B) to read as follows:

"(B) TERMINATION BASED ON AGE.—

"(i) AT AGE 65.—Subject to clause (ii), the individual attains 65 years of age.

"(ii) AT AGE 62 FOR DISPLACED WORKERS AND SPOUSES.—In the case of an individual enrolled under this part pursuant to section 1859(c), subject to subsection (a)(1), the individual attains 62 years of age.";

(4) in subsection (d)(1), by adding at the end the following new subparagraph:

"(C) OBTAINING ACCESS TO EMPLOYMENT-BASED COVERAGE OR FEDERAL HEALTH INSURANCE PROGRAM FOR INDIVIDUALS UNDER 62 YEARS OF AGE.—In the case of an individual who has not attained 62 years of age, the individual is covered (or eligible for coverage) as a participant or beneficiary under a group health plan or under a Federal health insurance program.";

(5) in subsection (d)(2), by amending subparagraph (C) to read as follows:

"(C) AGE OR MEDICARE ELIGIBILITY.—

"(i) IN GENERAL.—The termination of a coverage period under paragraph (1)(A)(iii) or (1)(B)(i) shall take effect as of the first day of the month in which the individual attains 65 years of age or becomes entitled to benefits under part A or enrolled for benefits under part B.

"(ii) DISPLACED WORKERS.—The termination of a coverage period under paragraph (1)(B)(ii) shall take effect as of the first day of the month in which the individual attains 62 years of age, unless the individual has enrolled under this part pursuant to section 1859(b) and section 1859E(c)(1).''; and

(6) in subsection (d)(2), by adding at the end the following new subparagraph:

"(D) ACCESS TO COVERAGE.—The termination of a coverage period under paragraph (1)(C) shall take effect on the date on which the individual is eligible to begin a period of creditable coverage (as defined in section 2701(c) of the Public Health Service Act) under a group health plan or under a Federal health insurance program.".

(c) PREMIUMS.—Section 1859B of such Act, as so inserted, is amended—

(1) in subsection (a)(1), by adding at the end the following:

"(B) BASE MONTHLY PREMIUM FOR INDIVIDUALS UNDER 62 YEARS OF AGE.—A base monthly premium for individuals under 62 years of age, equal to 1/12 of the base annual premium rate computed under subsection (d)(3) for each premium area and age cohort.''; and

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

"(d) BASE MONTHLY PREMIUM FOR INDIVIDUALS UNDER 62 YEARS OF AGE.—

"(1) NATIONAL, PER CAPITA AVERAGE FOR AGE GROUPS.—

"(A) ESTIMATE OF AMOUNT.—The Secretary shall estimate the average, annual per capita amount that would be payable under this title with respect to individuals residing in the United States who meet the requirement of section 1859(c)(1)(A) within each of the age cohorts established under subparagraph (B) as if all such individuals within such cohort were eligible for (and enrolled) under this title during the entire year (and assuming that section 1862(b)(2)(A)(i) did not apply).

"(B) AGE COHORTS.—For purposes of subparagraph (A), the Secretary shall establish separate age cohorts in 5 year age increments for individuals who have not attained 60 years of ages and a separate cohort for individuals who have attained 60 years of age.

"(2) GEOGRAPHIC ADJUSTMENT.—The Secretary shall adjust the amount determined under paragraph (1)(A) for each premium area (specified under subsection (a)(3)) in the same manner and to the same extent as the Secretary provides for adjustments under subsection (b)(2).

"(3) BASE ANNUAL PREMIUM.—The base annual premium under this subsection for months in a year for individuals in an age cohort under paragraph (1)(B) in a premium area is equal to 165 percent of the average, annual per capita amount estimated under paragraph (1) for the age cohort and year, adjusted for such area under paragraph (2).

"(4) PRO-RATION OF PREMIUMS TO REFLECT COVERAGE DURING A PART OF A MONTH.—If the Secretary provides for coverage of portions of a month under section 1859A(c)(2), the Secretary shall pro-rate the premiums attributable to such coverage under this section to reflect the portion of the month so covered.".

(d) ADMINISTRATIVE PROVISIONS.—Section 1859F of such Act, as so inserted, is amended by adding at the end the following:

"(d) ADDITIONAL ADMINISTRATIVE PROVISIONS.—

"(1) PROCESS FOR CONTINUED ENROLLMENT OF DISPLACED WORKERS WHO ATTAIN 62 YEARS OF AGE.—The Secretary shall provide a process for the continuation of enrollment of individuals whose enrollment under section 1859(c) would be terminated upon attaining 62 years of age. Under such process such individuals shall be provided appropriate and timely notice before the date of such termination and of the requirement to enroll under this part pursuant to section 1859(b) in order to continue entitlement to benefits under this title after attaining 62 years of age.

"(2) ARRANGEMENTS WITH STATES FOR DETERMINATIONS RELATING TO UNEMPLOYMENT

COMPENSATION ELIGIBILITY.—The Secretary may provide for appropriate arrangements with States for the determination of whether individuals in the State meet or would meet the requirements of section 1859(c)(1)(C)(i).".

(e) CONFORMING AMENDMENT TO HEADING TO PART.—The heading of part D of title XVIII of the Social Security Act, as so inserted, is amended by striking "62" and inserting "55".

TITLE III—COBRA PROTECTION FOR EARLY RETIREES

Subtitle A—Amendments to the Employee Retirement Income Security Act of 1974

SEC. 301. COBRA CONTINUATION BENEFITS FOR CERTAIN RETIRED WORKERS WHO LOSE RETIREE HEALTH COVERAGE.

(a) ESTABLISHMENT OF NEW QUALIFYING EVENT.—

(1) IN GENERAL.—Section 603 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1163) is amended by inserting after paragraph (6) the following new paragraph:

"(7) The termination or substantial reduction in benefits (as defined in section 607(7)) of group health plan coverage as a result of plan changes or termination in the case of a covered employee who is a qualified retiree.".

(2) QUALIFIED RETIREE; QUALIFIED BENEFICIARY; AND SUBSTANTIAL REDUCTION DEFINED.—Section 607 of such Act (29 U.S.C. 1167) is amended—

(A) in paragraph (3)—

(i) in subparagraph (A), by inserting "except as otherwise provided in this paragraph," after "means,"; and

(ii) by adding at the end the following new subparagraph:

"(D) SPECIAL RULE FOR QUALIFYING RETIREES AND DEPENDENTS.—In the case of a qualifying event described in section 603(7), the term 'qualified beneficiary' means a qualified retiree and any other individual who, on the day before such qualifying event, is a beneficiary under the plan on the basis of the individual's relationship to such qualified retiree."; and

(B) by adding at the end the following new paragraphs:

"(6) QUALIFIED RETIREE.—The term 'qualified retiree' means, with respect to a qualifying event described in section 603(7), a covered employee who, at the time of the event—

"(A) has attained 55 years of age; and

"(B) was receiving group health coverage under the plan by reason of the retirement of the covered employee.

"(7) SUBSTANTIAL REDUCTION.—The term 'substantial reduction'—

"(A) means, as determined under regulations of the Secretary and with respect to a qualified beneficiary, a reduction in the average actuarial value of benefits under the plan (through reduction or elimination of benefits, an increase in premiums, deductibles, copayments, and coinsurance, or any combination thereof), since the date of commencement of coverage of the beneficiary by reason of the retirement of the covered employee (or, if later, January 6, 1998), in an amount equal to at least 50 percent of the total average actuarial value of the benefits under the plan as of such date (taking into account an appropriate adjustment to permit comparison of values over time); and

"(B) includes an increase in premiums required to an amount that exceeds the premium level described in the fourth sentence of section 602(3).

(b) DURATION OF COVERAGE THROUGH AGE 65.—Section 602(2)(A) of such Act (29 U.S.C. 1162(2)(A)) is amended—

(1) in clause (ii), by inserting "or 603(7)" after "603(6)";

(2) in clause (iv), by striking "or 603(6)" and inserting ", 603(6), or 603(7)";

(3) by redesignating clause (iv) as clause (vi);

(4) by redesignating clause (v) as clause (iv) and by moving such clause to immediately follow clause (iii); and

(5) by inserting after such clause (iv) the following new clause:

"(v) SPECIAL RULE FOR CERTAIN DEPENDENTS IN CASE OF TERMINATION OR SUBSTANTIAL REDUCTION OF RETIREE HEALTH COVERAGE.—In the case of a qualifying event described in section 603(7), in the case of a qualified beneficiary described in section 607(3)(D) who is not the qualified retiree or spouse of such retiree, the later of—

"(I) the date that is 36 months after the earlier of the date the qualified retiree becomes entitled to benefits under title XVIII of the Social Security Act, or the date of the death of the qualified retiree; or

"(II) the date that is 36 months after the date of the qualifying event.".

(c) TYPE OF COVERAGE IN CASE OF TERMINATION OR SUBSTANTIAL REDUCTION OF RETIREE HEALTH COVERAGE.—Section 602(1) of such Act (29 U.S.C. 1162(1)) is amended—

(1) by striking "The coverage" and inserting the following:

"(A) IN GENERAL.—Except as provided in subparagraph (B), the coverage"; and

(2) by adding at the end the following:

"(B) CERTAIN RETIREES.—In the case of a qualifying event described in section 603(7), in applying the first sentence of subparagraph (A) and the fourth sentence of paragraph (3), the coverage offered that is the most prevalent coverage option (as determined under regulations of the Secretary) continued under the group health plan (or, if none, under the most prevalent other plan offered by the same plan sponsor) shall be treated as the coverage described in such sentence, or (at the option of the plan and qualified beneficiary) such other coverage option as may be offered and elected by the qualified beneficiary involved.".

(d) INCREASED LEVEL OF PREMIUMS PERMITTED.—Section 602(3) of such Act (29 U.S.C. 1162(3)) is amended by adding at the end the following new sentence: "In the case of an individual provided continuation coverage by reason of a qualifying event described in section 603(7), any reference in subparagraph (A) of this paragraph to '102 percent of the applicable premium' is deemed a reference to '125 percent of the applicable premium for employed individuals (and their dependents, if applicable) for the coverage option referred to in paragraph (1)(B)'.".

(e) NOTICE.—Section 606(a) of such Act (29 U.S.C. 1166) is amended—

(1) in paragraph (4)(A), by striking "or (6)" and inserting "(6), or (7)"; and

(2) by adding at the end the following:

"The notice under paragraph (4) in the case of a qualifying event described in section 603(7) shall be provided at least 90 days before the date of the qualifying event.".

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section (other than subsection (e)(2)) shall apply to qualifying events occurring on or after January 6, 1998. In the case of a qualifying event occurring on or after such date and before the date of the enactment of this Act, such event shall be deemed (for purposes of such amendments) to have occurred on the date of the enactment of this Act.

(2) ADVANCE NOTICE OF TERMINATIONS AND REDUCTIONS.—The amendment made by subsection (e)(2) shall apply to qualifying events occurring after the date of the enactment of this Act, except that in no case shall notice be required under such amendment before such date.

Subtitle B—Amendments to the Public Health Service Act

SEC. 311. COBRA CONTINUATION BENEFITS FOR CERTAIN RETIRED WORKERS WHO LOSE RETIREE HEALTH COVERAGE.

(a) ESTABLISHMENT OF NEW QUALIFYING EVENT.—

(1) IN GENERAL.—Section 2203 of the Public Health Service Act (42 U.S.C. 300bb-3) is amended by inserting after paragraph (5) the following new paragraph:

"(6) The termination or substantial reduction in benefits (as defined in section 2208(6)) of group health plan coverage as a result of plan changes or termination in the case of a covered employee who is a qualified retiree.".

(2) QUALIFIED RETIREE; QUALIFIED BENEFICIARY; AND SUBSTANTIAL REDUCTION DEFINED.—Section 2208 of such Act (42 U.S.C. 300bb-8) is amended—

(A) in paragraph (3)—

(i) in subparagraph (A), by inserting "except as otherwise provided in this paragraph," after "means,"; and

(ii) by adding at the end the following new subparagraph:

"(C) SPECIAL RULE FOR QUALIFYING RETIREES AND DEPENDENTS.—In the case of a qualifying event described in section 2203(6), the term 'qualified beneficiary' means a qualified retiree and any other individual who, on the day before such qualifying event, is a beneficiary under the plan on the basis of the individual's relationship to such qualified retiree."; and

(B) by adding at the end the following new paragraphs:

"(5) QUALIFIED RETIREE.—The term 'qualified retiree' means, with respect to a qualifying event described in section 2203(6), a covered employee who, at the time of the event—

"(A) has attained 55 years of age; and

"(B) was receiving group health coverage under the plan by reason of the retirement of the covered employee.

"(6) SUBSTANTIAL REDUCTION.—The term 'substantial reduction'—

"(A) means, as determined under regulations of the Secretary of Labor and with respect to a qualified beneficiary, a reduction in the average actuarial value of benefits under the plan (through reduction or elimination of benefits, an increase in premiums, deductibles, copayments, and coinsurance, or any combination thereof), since the date of commencement of coverage of the beneficiary by reason of the retirement of the covered employee (or, if later, January 6, 1998), in an amount equal to at least 50 percent of the total average actuarial value of the benefits under the plan as of such date (taking into account an appropriate adjustment to permit comparison of values over time); and

"(B) includes an increase in premiums required to an amount that exceeds the premium level described in the fourth sentence of section 2202(3).

(b) DURATION OF COVERAGE THROUGH AGE 65.—Section 2202(2)(A) of such Act (42 U.S.C. 300bb-2(2)(A)) is amended—

(1) by redesignating clause (iii) as clause (iv); and

(2) by inserting after clause (ii) the following new clause:

"(iii) SPECIAL RULE FOR CERTAIN DEPENDENTS IN CASE OF TERMINATION OR SUBSTANTIAL REDUCTION OF RETIREE HEALTH COVERAGE.—In the case of a qualifying event described in section 2203(6), in the case of a qualified beneficiary described in section 2208(3)(C) who is not the qualified retiree or spouse of such retiree, the later of—

"(I) the date that is 36 months after the earlier of the date the qualified retiree becomes entitled to benefits under title XVIII of the Social Security Act, or the date of the death of the qualified retiree; or

"(II) the date that is 36 months after the date of the qualifying event.".

(c) TYPE OF COVERAGE IN CASE OF TERMINATION OR SUBSTANTIAL REDUCTION OF RETIREE HEALTH COVERAGE.—Section 2202(1) of such Act (42 U.S.C. 300bb–2(1)) is amended—

(1) by striking "The coverage" and inserting the following:

"(A) IN GENERAL.—Except as provided in subparagraph (B), the coverage"; and

(2) by adding at the end the following:

"(B) CERTAIN RETIREES.—In the case of a qualifying event described in section 2203(6), in applying the first sentence of subparagraph (A) and the fourth sentence of paragraph (3), the coverage offered that is the most prevalent coverage option (as determined under regulations of the Secretary of Labor) continued under the group health plan (or, if none, under the most prevalent other plan offered by the same plan sponsor) shall be treated as the coverage described in such sentence, or (at the option of the plan and qualified beneficiary) such other coverage option as may be offered and elected by the qualified beneficiary involved.".

(d) INCREASED LEVEL OF PREMIUMS PERMITTED.—Section 2202(3) of such Act (42 U.S.C. 300bb–2(3)) is amended by adding at the end the following new sentence: "In the case of an individual provided continuation coverage by reason of a qualifying event described in section 2203(6), any reference in subparagraph (A) of this paragraph to '102 percent of the applicable premium' is deemed a reference to '125 percent of the applicable premium for employed individuals (and their dependents, if applicable) for the coverage option referred to in paragraph (1)(B)'.".

(e) NOTICE.—Section 2206(a) of such Act (42 U.S.C. 300bb–6(a)) is amended—

(1) in paragraph (4)(A), by striking "or (4)" and inserting "(4), or (6)"; and

(2) by adding at the end the following:

"The notice under paragraph (4) in the case of a qualifying event described in section 2203(6) shall be provided at least 90 days before the date of the qualifying event.".

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section (other than subsection (e)(2)) shall apply to qualifying events occurring on or after January 6, 1998. In the case of a qualifying event occurring on or after such date and before the date of the enactment of this Act, such event shall be deemed (for purposes of such amendments) to have occurred on the date of the enactment of this Act.

(2) ADVANCE NOTICE OF TERMINATIONS AND REDUCTIONS.—The amendment made by subsection (e)(2) shall apply to qualifying events occurring after the date of the enactment of this Act, except that in no case shall notice be required under such amendment before such date.

Subtitle C—Amendments to the Internal Revenue Code of 1986

SEC. 321. COBRA CONTINUATION BENEFITS FOR CERTAIN RETIRED WORKERS WHO LOSE RETIREE HEALTH COVERAGE.

(a) ESTABLISHMENT OF NEW QUALIFYING EVENT.—

(1) IN GENERAL.—Section 4980B(f)(3) of the Internal Revenue Code of 1986 is amended by inserting after subparagraph (F) the following new subparagraph:

"(G) The termination or substantial reduction in benefits (as defined in subsection (g)(6)) of group health plan coverage as a result of plan changes or termination in the case of a covered employee who is a qualified retiree.".

(2) QUALIFIED RETIREE; QUALIFIED BENEFICIARY; AND SUBSTANTIAL REDUCTION DEFINED.—Section 4980B(g) of such Code is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting "except as otherwise provided in this paragraph," after "means,"; and

(ii) by adding at the end the following new subparagraph:

"(E) SPECIAL RULE FOR QUALIFYING RETIREES AND DEPENDENTS.—In the case of a qualifying event described in subsection (f)(3)(G), the term 'qualified beneficiary' means a qualified retiree and any other individual who, on the day before such qualifying event, is a beneficiary under the plan on the basis of the individual's relationship to such qualified retiree."; and

(B) by adding at the end the following new paragraphs:

"(5) QUALIFIED RETIREE.—The term 'qualified retiree' means, with respect to a qualifying event described in subsection (f)(3)(G), a covered employee who, at the time of the event—

"(A) has attained 55 years of age; and

"(B) was receiving group health coverage under the plan by reason of the retirement of the covered employee.

"(6) SUBSTANTIAL REDUCTION.—The term 'substantial reduction'—

"(A) means, as determined under regulations of the Secretary of Labor and with respect to a qualified beneficiary, a reduction in the average actuarial value of benefits under the plan (through reduction or elimination of benefits, an increase in premiums, deductibles, copayments, and coinsurance, or any combination thereof), since the date of commencement of coverage of the beneficiary by reason of the retirement of the covered employee (or, if later, January 6, 1998), in an amount equal to at least 50 percent of the total average actuarial value of the benefits under the plan as of such date (taking into account an appropriate adjustment to permit comparison of values over time); and

"(B) includes an increase in premiums required to an amount that exceeds the premium level described in the fourth sentence of subsection (f)(2)(C).

(b) DURATION OF COVERAGE THROUGH AGE 65.—Section 4980B(f)(2)(B)(i) of such Code is amended—

(1) in subclause (II), by inserting "or (3)(G)" after "(3)(F)";

(2) in subclause (IV), by striking "or (3)(F)" and inserting ", (3)(F), or (3)(G)";

(3) by redesignating subclause (IV) as subclause (VI);

(4) by redesignating subclause (V) as subclause (IV) and by moving such clause to immediately follow subclause (III); and

(5) by inserting after such subclause (IV) the following new subclause:

"(V) SPECIAL RULE FOR CERTAIN DEPENDENTS IN CASE OF TERMINATION OR SUBSTANTIAL REDUCTION OF RETIREE HEALTH COVERAGE.—In the case of a qualifying event described in paragraph (3)(G), in the case of a qualified beneficiary described in subsection (g)(1)(E) who is not the qualified retiree or spouse of such retiree, the later of—

"(a) the date that is 36 months after the earlier of the date the qualified retiree becomes entitled to benefits under title XVIII of the Social Security Act, or the date of the death of the qualified retiree; or

"(b) the date that is 36 months after the date of the qualifying event.".

(c) TYPE OF COVERAGE IN CASE OF TERMINATION OR SUBSTANTIAL REDUCTION OF RETIREE HEALTH COVERAGE.—Section 4980B(f)(2)(A) of such Code is amended—

(1) by striking "The coverage" and inserting the following:

"(i) IN GENERAL.—Except as provided in clause (ii), the coverage"; and

(2) by adding at the end the following:

"(ii) CERTAIN RETIREES.—In the case of a qualifying event described in paragraph (3)(G), in applying the first sentence of clause (i) and the fourth sentence of subparagraph (C), the coverage offered that is the most prevalent coverage option (as determined under regulations of the Secretary of Labor) continued under the group health plan (or, if none, under the most prevalent other plan offered by the same plan sponsor) shall be treated as the coverage described in such sentence, or (at the option of the plan and qualified beneficiary) such other coverage option as may be offered and elected by the qualified beneficiary involved.".

(d) INCREASED LEVEL OF PREMIUMS PERMITTED.—Section 4980B(f)(2)(C) of such Code is amended by adding at the end the following new sentence: "In the case of an individual provided continuation coverage by reason of a qualifying event described in paragraph (3)(G), any reference in clause (i) of this subparagraph to '102 percent of the applicable premium' is deemed a reference to '125 percent of the applicable premium for employed individuals (and their dependents, if applicable) for the coverage option referred to in subparagraph (A)(ii)'.".

(e) NOTICE.—Section 4980B(f)(6) of such Code is amended—

(1) in subparagraph (D)(i), by striking "or (F)" and inserting "(F), or (G)"; and

(2) by adding at the end the following:

"The notice under subparagraph (D)(i) in the case of a qualifying event described in paragraph (3)(G) shall be provided at least 90 days before the date of the qualifying event.".

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section (other than subsection (e)(2)) shall apply to qualifying events occurring on or after January 6, 1998. In the case of a qualifying event occurring on or after such date and before the date of the enactment of this Act, such event shall be deemed (for purposes of such amendments) to have occurred on the date of the enactment of this Act.

(2) ADVANCE NOTICE OF TERMINATIONS AND REDUCTIONS.—The amendment made by subsection (e)(2) shall apply to qualifying events occurring after the date of the enactment of this Act, except that in no case shall notice be required under such amendment before such date.

TITLE IV—FINANCING

SEC. 401. REFERENCE TO FINANCING PROVISIONS.

Any increase in payments under the medicare program under title XVIII of the Social Security Act that results from the enactment of this Act shall be offset by reductions in payments under such program pursuant to the anti-fraud and anti-abuse provisions enacted as part of the Medicare Fraud and Overpayment Act of 1998.

MEDICARE EARLY ACCESS ACT OF 1998

A BILL DESIGNED TO PROVIDE AMERICANS 55 TO 65 NEW HEALTH INSURANCE OPTIONS

Background

Americans ages 55 to 65 face special problems of access to and affordability of health insurance. They face greater risks of health problems and are twice as likely to have heart disease, strokes, or cancer as people aged 45 to 54. As people approach 65, many retire or shift to part-time work or self-employment as a bridge to retirement, sometimes involuntarily. Displaced workers aged 55 to 65 are much less likely than younger workers to be re-employed or re-insured through a new employer. As a result, more of them rely on the individual health insurance market. Without the benefits of having their costs averaged with younger people, as with employer-based insurance, these people often face high premiums.

Such access problems will increase, due to two trends: declines in retiree health coverage and the aging of the baby boom generation. Recently, businesses have cut back on offering health coverage to pre-65-year-old retirees; only 40 percent of large firms now do so. In several small but notable cases, businesses have dropped retirees' health benefits after workers have retired. These "broken promise" retirees lack access to employer continuation coverage and could have problems finding affordable individual insurance. Finally, the number of people 55 to 65 years old will rise from 22 million to 35 million by 2010 — or by 60 percent.

Summary

This bill creates three important health insurance choices for certain people ages 55 to 65:

1. People ages 62 to 65 without access to group insurance could buy into Medicare;
2. Workers ages 55 and older and their spouses who lose their health insurance when their firm closes or they are laid off could buy into Medicare; and
3. Retirees ages 55 and older whose employers drop their retiree health coverage after they have retired could buy into the employer's health plan through "COBRA" coverage.

Participants would pay premiums to cover almost the entire costs of coverage. Any shortfall would be paid for by policies to reduce Medicare fraud and overpayments, proposed in a companion bill called the Medicare Anti-Fraud and Overpayment Act of 1998.

The Medicare buy-in would be completely walled off from the Medicare Trust Funds, to ensure that it does not in any way affect current beneficiaries.

Title I. Access to Medicare Benefits for Individuals 62-to-65 Years of Age

The centerpiece of this initiative is the Medicare buy-in for people ages 62 to 65.

Eligibility: People ages 62 to 65 who do not have access to employer sponsored or federal health insurance may participate.

Premium Payments: Participants would pay two separate premiums—one before age 65 and one between age 65 and 85:

Base premium: The base premium would be paid monthly between enrollment and when the participant turns age 65. It is the part of the full premium that represents what Medicare would pay on average for all people in this age group. CBO estimates that this would be about $300 per month. It would be adjusted for geographic variation, but the maximum premium would be limited to ensure participation in all areas of the country.

Deferred premium: The deferred premium would be paid monthly beginning at age 65 until the beneficiary turns age 85. It is the part of the premium that covers the extra costs for participants who are sicker than average. Participants will be told before they enroll what their deferred premium will be. CBO estimates that this would be about $10 per month per year of participation.

This two-part payment plan acts like a mortgage: it makes the up-front premium affordable but requires participants to pay back the Medicare "loan" with interest. It also ensures that in the long-run, this buy-in is self-financing.

Enrollment: Eligible people can enroll within two months of either turning 62 or losing access to employer-based or federal insurance.

Applicability of Medicare Rules: Services covered and cost sharing would be, for paying participants, the same as those of Medicare beneficiaries. Participants would have the choice of fee-for-service or managed care. No Medicaid assistance would be offered to participants for premiums or cost sharing. Medigap policy protections would apply, but the open enrollment provision remains at age 65.

Disenrollment: People could stop buying into Medicare at any time. People who disenroll would pay the deferred premium as though they had been enrolled for a full year (e.g., a person who buys in for 3 months in 1999 would pay the deferred premium as though they participated for 12 months). This is intended to act as a disincentive for temporary enrollment.

Title II. Access to Medicare Benefits for Displaced Workers 55-to-62 Years of Age

In addition to people ages 62 to 65, a targeted group of 55 to 61 year olds could buy into Medicare. The Medicare buy-in would be the same as above, with the following exceptions.

Eligibility: People would be eligible if they are between ages 55 and 61 and: (1) lost their job because their firm closed, downsized, or moved, or their position was eliminated (defined as being eligible for unemployment insurance) after January 6, 1998; (2) had health insurance through their previous job for at least one year (certified through the process created under HIPAA to guarantee continuation coverage); and (3) do not have access to employer sponsored, COBRA, or federal health insurance. Spouses of these eligible people may also buy into Medicare.

Premium Payments: Participants would pay one, geographically adjusted premium, with no Medicare "loan". This premium represents what Medicare would pay on average for all people in this age group plus an add-on (65 percent of the age average) to compensate for some of the extra costs of participants who may be sicker than average. These premiums would be about $400 per month.

Disenrollment: Like people ages 62 to 65, eligible displaced workers and their spouses must enroll in the buy-in within 63 days of becoming eligible. Participants continue to pay premiums until they voluntarily disenroll, gain access to federal or employer-based insurance or turn 62 and become eligible for the more general Medicare buy-in. Once they disenroll, they may only re-enroll if they meet all the eligibility rules again.

Title III. Retiree Health Benefits Protection Act

The bill would also help retirees and their dependents whose former employer unexpectedly drops their retiree health insurance, leaving them uncovered and with few places to turn.

Eligibility: People ages 55 to 65 and their dependents who were receiving retiree health coverage but whose coverage was terminated or substantially reduced (benefits' value reduced by half or premiums increased to a level above 125 percent of the applicable premium) would qualify them for "COBRA" continuation coverage.

Premium Payments: Participants would pay 125 percent of the applicable premium. This premium is higher than what most other COBRA participants pay (102 percent) to help offset the additional costs of participants.

Enrollment: Participants would enroll through their former employer, following the same rules as other COBRA eligibles.

Disenrollment: Retirees would be eligible until they turn 65 years-old.

Companion Bill: Medicare Anti-Fraud and Overpayment Act of 1998

This bill improves the financial integrity of Medicare and helps fund the Medicare buy-in. It does this through a series of policies, including:

Eliminating Excessive Medicare Reimbursement for Drugs. A recent report by the HHS Inspector General found that Medicare currently pays hundreds of millions of dollars more for 22 of the most common and costly drugs than would be paid if market prices were used. For more than one-third of these drugs, Medicare pays more than double the actual acquisition costs, and in one case, pays as high as ten times the amount. This proposal would ensure that Medicare payments are provider's actual acquisition cost of the drug without mark-ups.

Eliminating Overpayments for Epogen. A 1997 HHS Inspector General report found that Medicare overpays for Epogen (a drug used for kidney dialysis patients). This policy would change Medicare reimbursement to reflect current market prices (from $10 per 1,000 units administered to $9).

Eliminating Abuse of Medicare's Outpatient Mental Health Benefits. The HHS Inspector General has found abuses in Medicare's outpatient mental health benefit—specifically, that Medicare is sometimes billed for services in inpatient or residential settings. This proposal would eliminate this abuse by requiring that these services are only provided in the appropriate treatment setting.

Ensuring Medicare Does Not Pay For Claims Owed By Private Insurers. Too often, Medicare pays claims that are owed by private insurers because Medicare has no way of knowing the private insurer is the primary payer. This proposal would require insurers to report any Medicare beneficiaries they cover. Also, Medicare would be allowed to recoup double the amount owed by insurers who purposely let Medicare pay claims that they should have paid, and impose fines for failure to report no-fault or liability settlements for which Medicare should have been reimbursed.

Enabling Medicare to Negotiate Single, Simplified Payments for Certain Routine Surgical Procedures. This proposal would expand HCFA's current "Centers of Excellence" demonstration that enables Medicare to pay for hospital and physician services for certain high-cost surgical procedures through a single negotiated payment. This lets Medicare receive volume discounts and, in return, enables hospitals to increase their market share, gain clinical expertise, and improve quality.

Deleting Civil Monetary Penalty Provision that Weakens Ability to Reduce Fraud and Abuse. HIPAA limited the standard used in imposing civil monetary penalties regarding false Medicare claims. It limited the duty on providers to exercise reasonable diligence to submit true and accurate claims. This provision would repeal this weakening of the standard.

Deleting the Exceptions from Anti-Kickback Statute for Certain Managed Care Arrangements. Current law makes an exception from the anti-kickback rules for any arrangement where a medical provider is at "substantial financial risk" whether through a "withhold, capitation, incentive pool, per diem payment, or any other risk arrangement." Because of the difficulty of defining this exception, this provision may be serving as a loophole to get around the anti-kickback provisions. This provision would eliminate the exception.

Parenteral Nutrition Reform. According to the Office of the Inspector General, there is an overpayment for these services. This proposal would pay for these products at actual acquisition cost and add a requirement that the Secretary provides for administrative costs and sets standards for the quality of delivery of parenteral nutrition.

Mr. KENNEDY. Mr. President, too many Americans nearing age 65 face a crisis in health care. They are too young for Medicare, but too old for affordable private coverage. Many of them face serious health problems that threaten to destroy the savings of a lifetime and prevent them from finding or keeping a job. Many are victims of corporate down-sizing or a company's decision to cancel the health insurance protection they relied on. No American nearing retirement can be confident that the health insurance they have today will protect them until they are 65 and are eligible for Medicare.

Three million Americans aged 55 to 64 have no health insurance today. The consequences are often tragic. As a group, they are in relatively poor health, and their condition is more likely to worsen the longer they remain uninsured. They have little or no savings to protect against the cost of serious illness. Often, they are unable to afford the routine care that can prevent minor health problems from turning into serious disabilities or even life-threatening illness.

The number of uninsured is growing every day. Between 1991 and 1995, the number of workers whose employers promise them benefits if they retire early dropped twelve percent. Barely a third of all workers now have such a promise. In recent years, many who have counted on an employer's commitment found themselves with only a broken promise. Their coverage was canceled after they retired.

The plight of older workers who lose their jobs through layoffs or downsizing is also grim. It is hard to find a new job at age 55 or 60—and even harder to find a job that provides health insurance. For these older Americans left out and left behind through no fault of their own after decades of hard work, it is time to provide a helping hand.

And finally, significant numbers of retired workers and their families have found themselves left high and dry when their employers cut back their coverage or canceled it altogether.

The legislation we are introducing today is a lifeline for millions of these Americans. It provides a bridge to help them through the years before they qualify for full Medicare eligibility. It is a constructive next step toward the day when every American will be guaranteed the fundamental right to health care. It will impose no additional burden on Medicare, because it is fully paid for by premiums from the beneficiaries themselves.

I commend Senator MOYNIHAN and Senator DASCHLE and our other cosponsors for their leadership on this issue. I especially commend the President for his initiation of this national debate by including this proposal in his budget. When this legislation becomes law, millions of older families will have him to thank.

The opponents of this constructive step are already waging a campaign of disinformation against the program. They claim that it will somehow harm Medicare—even though that is not true. They say we should wait for the Medicare Advisory Commission to report—but older uninsured Americans have waited too long for the help they need. They say that this is just another entitlement program—ignoring the fact that it will be paid for in full—and primarily by the participants themselves. They say it is another attempt to inject government into the health care system—even though it simply gives uninsured older Americans better access to the health care they need through the most successful health program ever enacted.

The opponents of this proposal will do everything they can to keep the program from coming to the floor of the House and Senate for a full and fair debate. They have a lot of power in Congress. But they don't have the President on their side. They don't have the vast majority of Democrats in Congress on their side. And most of all, they do not have the American people on their side.

We intend to do all we can to bring this issue to the floor of the Senate early this year. There will be a vote, and, if necessary, there will be many votes. Despite the opposition of the Republican Leadership, this Congress has already taken a major step to expand health insurance coverage for American children. This can also be the Congress that extends help to older Americans who need health care. The American people want us to act, and I am confident that Congress will respond.

Mr. DASCHLE. Mr. President, today I join my colleagues in introducing the Medicare Early Access Act. The bill offers new coverage options for a population that faces significant problems finding affordable insurance, individuals between age 55 and 65, the age at which they become eligible for Medicare.

It is not easy to be without health insurance between the ages of 55 and 65. You are twice as likely as someone just 10 years younger to experience heart disease, cancer, or other significant health problems.

And it is not easy to find health insurance when you're between 55 and 65. Prices for coverage often are unaffordable. For those with serious health problems, finding coverage can be impossible.

There are 2.9 million individuals ages 55 to 65 without health insurance. Some individuals in this age group lose their employer-based health insurance when their spouse becomes eligible for Medicare. Many lose their coverage because their company downsizes or their plant closes. Still, others lose insurance when promised retiree health coverage is dropped unexpectedly.

A little over 3 years ago, 1,200 former employees of the John Morrell meatpacking plant in Sioux Falls, South Dakota, received letters in the mail telling them their retiree health benefits would be canceled in a matter of weeks. These were men and women who had worked for 20, 30, even 40 years at the Morrell plant.

The company did not give them retiree health benefits out of the goodness of their hearts. The Morrell workers earned those benefits. They took smaller pay increases and made other sacrifices while they were still working so they could have some measure of security when they retired.

The letters telling the Morrell retirees that their former company was canceling their health benefits was just the first of many shocks. An additional shock came when those Morrell employees under 65 were forced to buy exorbitant private health insurance—an extremely difficult purchase on a retiree's pension.

To address these concerns, I introduced legislation, S. 1307, the Retiree Health Benefits Protection Act of 1997. S. 1307 would require companies to keep the promises they make to their retirees and their families.

I am pleased that the President, Senator MOYNIHAN, and Representative STARK have incorporated a key piece of that bill in the Medicare Early Access Act. This provision would allow retirees between ages 55 and 65 to buy into their former employer's health plan if the employer cancels or substantially reduces promised benefits. Retirees and their spouses would remain eligible until they turn 65 and become eligible for Medicare.

The Medicare Early Access Act includes two additional important provisions for individuals ages 55 to 65.

First, it would allow people between the ages of 62 and 65 who do not have access to group coverage to buy into the Medicare program. Second, it would offer access to Medicare for workers between the ages of 55 and 65, and their spouses, when their employer downsizes or their plant shuts down.

Some have questioned whether this program will hurt the current Medicare program. Let me emphasize that the proposal will pay for itself. All workers and retirees who buy into Medicare under our plan would pay premiums out of their own pockets. Any additional costs would be paid through savings from Medicare anti-fraud and abuse measures. Because the bill is self-financing, it does not in any way threaten Medicare's solvency or its future. It is responsible proposal that pays for itself.

Mr. President, there are hundreds of thousands of Americans who could benefit from this bill. It is my hope that we can engage in productive debate over the next few weeks and find a way to fill these gaps in health insurance coverage, instead of making excuses about why we are waiting to help these individuals.

ADDITIONAL COSPONSORS

S. 195

At the request of Mr. HELMS, the names of the Senator from Mississippi (Mr. LOTT), the Senator from New York (Mr. D'AMATO), the Senator from Delaware (Mr. BIDEN), and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 195, a bill to abolish the National Endowment for the Arts and the National Council on the Arts.

At the request of Mrs. HUTCHISON, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 195, supra.

S. 381

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 381, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 442

At the request of Mr. WYDEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 442, a bill to establish a national policy against State and local government interference with interstate commerce on the Internet or interactive computer services, and to exercise Congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet, and for other purposes.

S. 775

At the request of Mr. JEFFORDS, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 775, a bill to amend the Internal Revenue Code of 1986 to exclude gain or loss from the sale of livestock from the computation of capital gain net income for purposes of the earned income credit.

S. 1021

At the request of Mr. HAGEL, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1021, a bill to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service, and for other purposes.

S. 1251

At the request of Mr. THOMAS, his name was added as a cosponsor of S. 1251, a bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

At the request of Mr. D'AMATO, the names of the Senator from Kentucky (Mr. FORD), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1251, supra.

S. 1252

At the request of Mr. THOMAS, his name was added as a cosponsor of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

At the request of Mr. D'AMATO, the names of the Senator from Kentucky (Mr. FORD), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 1252, supra.

S. 1283

At the request of Mr. BUMPERS, the names of the Senator from Nevada (Mr. REID), and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 1283, a bill to award Congressional gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred collectively as the "Little Rock Nine" on the occasion of the 40th anniversary of the integration of the Central High School in Little Rock, Arkansas.

S. 1305

At the request of Mr. GRAMM, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1305, a bill to invest in the future of the United States by doubling the amount authorized for basic scientific, medical, and pre-competitive engineering research.

S. 1321

At the request of Mr. TORRICELLI, the names of the Senator from North Carolina (Mr. FAIRCLOTH), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1321, a bill to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes.

S. 1350

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1350, a bill to amend section 332 of the Communications Act of 1934 to preserve State and local authority to regulate the placement, construction, and modification of certain telecommunications facilites, and for other purposes.

S. 1405

At the request of Mr. SHELBY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1405, a bill to provide for improved monetary policy and regulatory reform in financial institution management and activities, to streamline financial regulatory agency actions, to provide for improved consumer credit disclosure, and for other purposes.

S. 1464

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. GLENN) was added as a cosponsor of S. 1464, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, and for other purposes.

S. 1536

At the request of Mr. TORRICELLI, the name of the Senator from North Carolina (Mr. FAIRCLOTH) was added as a cosponsor of S. 1536, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for qualified individuals for bone mass measurement (bone density testing) to prevent fractures associated with osteoporosis and to help women make informed choices about their reproductive and post-menopausal health care, and to otherwise provide for research and information concerning osteoporosis and other related bone diseases.

S. 1621

At the request of Mr. GRAMS, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1621, a bill to provide that certain Federal property shall be made available to States for State use before being made available to other entities, and for other purposes.

S. 1638

At the request of Mr. CONRAD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1638, a bill to help parents keep their

children from starting to use tobacco products, to expose the tobacco industry's past misconduct and to stop the tobacco industry from targeting children, to eliminate or greatly reduce the illegal use of tobacco products by children, to improve the public health by reducing the overall use of tobacco, and for other purposes.

S. 1643

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1643, a bill to amend title XVIII of the Social Security Act to delay for one year implementation of the per beneficiary limits under the interim payment system to home health agencies and to provide for a later base year for the purposes of calculating new payment rates under the system.

S. 1647

At the request of Mr. BAUCUS, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 1647, a bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

S. 1682

At the request of Mr. D'AMATO, the names of the Senator from Georgia (Mr. COVERDELL), the Senator from Florida (Mr. MACK), and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 1682, a bill to amend the Internal Revenue Code of 1986 to repeal joint and several liability of spouses on joint returns of Federal income tax, and for other purposes.

S. 1693

At the request of Mr. THOMAS, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 1693, a bill to renew, reform, reinvigorate, and protect the National Park System.

S. 1724

At the request of Ms. COLLINS, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1724, a bill to amend the Internal Revenue Code of 1986 to repeal the information reporting requirement relating to the Hope Scholarship and Lifetime Learning Credits imposed on educational institutions and certain other trades and businesses.

S. 1737

At the request of Mr. MACK, the name of the Senator from New York (Mr. D'AMATO) 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. 1754

At the request of Mr. FRIST, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1754, a bill to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health professions and disadvantaged health education programs, and for other purposes.

S. 1755

At the request of Mr. REED, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1755, a bill to amend the Internal Revenue Code of 1986 to disallow tax deductions for advertising, promotional, and marketing expenses relating to tobacco product use unless certain advertising requirements are met.

SENATE JOINT RESOLUTION 41

At the request of Mr. SARBANES, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of Senate Joint Resolution 41, A joint resolution approving the location of a Martin Luther King, Jr., Memorial in the Nation's Capital.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. HELMS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of Senate Concurrent Resolution 30, A concurrent resolution expressing the sense of the Congress that the Republic of China should be admitted to multilateral economic institutions, including the International Monetary Fund and the International Bank for Reconstruction and Development.

SENATE RESOLUTION 188

At the request of Mr. MOYNIHAN, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Ohio (Mr. GLENN) were added as cosponsors of Senate Resolution 188, A resolution expressing the sense of the Senate regarding Israeli membership in a United Nations regional group.

SENATE RESOLUTION 193

At the request of Mr. REID, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of Senate Resolution 193, A resolution designating December 13, 1998, as "National Children's Memorial Day."

SENATE RESOLUTION 194

At the request of Mrs. HUTCHISON, the names of the Senator from North Carolina (Mr. HELMS), the Senator from North Carolina (Mr. FAIRCLOTH), and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of Senate Resolution 194, A resolution designating the week of April 20 through April 26, 1998, as "National Kick Drugs Out of America Week."

SENATE CONCURRENT RESOLUTION 84—EXPRESSING THE SENSE OF CONGRESS RELATIVE TO PROTECTING THE LIVES OF PROPERTY OWNERS IN COSTA RICA

Mr. KEMPTHORNE (for himself, Mr. HELMS, Mr. FAIRCLOTH, Mrs. FEINSTEIN, Mrs. BOXER, Mr. CHAFEE, Mrs. HUTCHISON, Mr. COVERDELL, Mr. GRAMM, Mr. SMITH of New Hampshire, Mr. LEAHY, Mr. DEWINE, Mr. WARNER, and Mr. CRAIG) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 84

Whereas, although the United States embassy in Costa Rica had forewarned Costa Rican officials about threats on Max Dalton's life, on November 13, 1997, 78 year-old United States citizen from Idaho and World War II veteran Max Dalton was surrounded and murdered in a dispute with squatters, some of whom were illegally occupying his property in the Pavones region of Costa Rica;

Whereas the murder of Max Dalton was the tragic conclusion to a seven-year assault perpetrated against Mr. Dalton by the squatters in an attempt to steal his property, and Costa Rican citizen Alvaro Aguilar was also killed in the incident;

Whereas the initial investigation of Max Dalton's death was flawed in that investigators failed to take fingerprints, collect bullets, and secure the scene of the crime;

Whereas, landowners, including United States and Costa Rican citizens, have reported harassment and invasions by squatters in areas of the country, other than Golfito in Pavones, including Cocotales in the North East, the Caribbean cities of Cahuita and Cocles, and Jaco on the Pacific Coast;

Whereas the squatters' tactics have included stealing and starving livestock, burning homes, leveling crops and fruit trees, death threats, machete attacks, and, in the case of United States citizen, murder;

Whereas Costa Rica has a long history of democratic governance, respect for human rights and close, friendly relations with the United States. Nonetheless, successive Costa Rican governments have failed to deal with squatters invading property held by foreign and Costa Rican landowners;

Whereas, although Article 45 of the Costa Rican Constitution states that "no one may be deprived of his [property] unless on account of legally proved public interest and after compensation in conformity with the law," this Constitutional guarantee has been eroded by the broad interpretation of the Agrarain Code by individuals who have used it as the basis for aggressive campaigns against landowners;

Whereas United States citizens who were drawn to Costa Rica by the relatively reasonable cost of living and property, particularly for retirement, report spending tens of thousands of dollars in legal costs to pursue repeated challenges in the Costa Rican courts without achieving permanent solutions to the squatter problems on their lands;

Whereas a concerted national effort on the part of the Government of Costa Rica to deal with the legal confusion and enforcement issues relating to property expropriations by squatters is necessary and desirable: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Government of Costa Rica should—

(1) in the interest of justice to which Costa Ricans have long been committed, consider fundamental reform to protect the property rights and lives of all law-abiding residents and property owners of Costa Rica from acts of intimidation, violence, and property invasion.

(2) conduct a complete and thorough investigation into the death of Max Dalton.

Mr. KEMPTHORNE. Mr. President, I rise today to express my concern with the government of Costa Rica which has failed to deal with the theft of property from American and Costa Rican landowners by squatters. At the same time, I call on the Government of Costa Rica to come to a quick and thorough conclusion in their investigation into the death of United States citizen Max Dalton of Idaho.

Despite claims of the Costa Rican Government to the contrary, landowners, including United States and Costa Rican citizens, have reported harassment and invasions by squatters in all areas of the country. The squatters' tactics have included stealing and starving livestock, burning homes, leveling crops, death threats, machete attacks, and, in the case of one Idahoan, murder.

The Washington Post reported in its March 2 edition that Max Dalton had been threatened by these squatters for nearly five years before his death in November. Before he was murdered, Max was harassed by squatters who attacked him with machetes, bombed his house, stole his horses, and set fire to his boat. Just days before his death, Max's children again notified authorities about the threats against their father.

The United States embassy in Costa Rica had warned Costa Rican officials about threats on Max Dalton's life. Nonetheless, on November 13, 1997, this 78-year-old United States citizen and World War II veteran was surrounded and ultimately murdered by land squatters, some of whom were illegally occupying his property in the Pavones region of Costa Rica. This crime was the tragic conclusion to a 5-year assault perpetrated against Mr. Dalton by the squatters in an attempt to steal his property.

Many facts remain unanswered surrounding Max Dalton's death. The investigation into the murder remains stalled and the killers remain at large. This cannot be tolerated. The murder of Max Dalton must be investigated and I urge the Costa Rican Government to make sure this happens.

I call on the Costa Rican Government to take immediate and decisive action to clarify and protect lives and property rights. Law-abiding citizens and residents should not be threatened by acts of intimidation, violence and property theft by bands of squatters who have been terrorizing legitimate landowners through all regions of the country. Max Dalton's death must not be in vain.

That is why, Mr. President, I am submitting a resolution, along with 13 of my colleagues, condemning the incompetence surrounding the investigation into the death of Max Dalton. It is important that this body, the United States Senate, acknowledge this situation and let the Government of Costa Rica know that reform is required.

Mr. President, I submit this resolution on behalf of myself, Senator HELMS, Senator FAIRCLOTH, Senator FEINSTEIN, Senator BOXER, Senator GRAMM of Texas, Senator HUTCHISON of Texas, Senator CRAIG, Senator DEWINE, Senator SMITH of New Hampshire, Senator CHAFEE, Senator LEAHY, Senator COVERDELL, and Senator WARNER.

It is time for us to send a very clear message to Costa Rica, that we ask them for a thorough investigation, that we call upon them for the reform so that the landowners—the citizens in Costa Rica and the U.S. citizens that are there—can know that there are laws that will be adhered to and that justice will be done.

SENATE RESOLUTION 196—RECOGNIZING THE COURAGE AND SACRIFICE OF SENATOR JOHN MCCAIN AND MEMBERS OF THE ARMED FORCES HELD AS PRISONERS OF WAR DURING THE VIETNAM CONFLICT

Mr. LOTT (for himself, Mr. DASCHLE, Mr. WARNER, Mr. KEMPTHORNE, Mr. HATCH, Mr. COATS, Mr. HAGEL, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. BUMPERS, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CHAFEE, Mr. CLELAND, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENZI, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FORD, Mr. FRIST, Mr. GLENN, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. WELLSTONE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to.

S. RES. 196

Whereas participation by the United States Armed Forces in combat operations in Southeast Asia during the period from 1964 through 1972 resulted in several hundreds of members of the United States Armed Forces being taken prisoner by North Vietnamese, Pathet Lao, and Viet Cong enemy forces;

Whereas John McCain's A–4E Skyhawk was shot down over Hanoi, North Vietnam on October 26, 1967, and he remained in captivity until March 14, 1973;

Whereas John McCain's aircraft was shorn of it's right wing by a surface-to-air missile and he plunged toward the ground at about 400 knots prior to ejecting;

Whereas upon ejection, John McCain's right knee and both arms were broken;

Whereas John McCain was surrounded by an angry mob who kicked him and spit on him, stabbed him with bayonets and smashed his shoulder with a rifle;

Whereas United States prisoners of war in Southeast Asia were held in a number of facilities, the most notorious of which was Hoa Lo Prison in downtown Hanoi, dubbed the "Hanoi Hilton" by the prisoners held there;

Whereas historians of the Vietnam war have recorded that "no American reached the prison camp of Hoa Lo in worse condition than John McCain";

Whereas his North Vietnamese captors recognized that John McCain came from a distinguished military family and caused him to suffer special beatings, special interrogations, and the cruel offer of a possible early release;

Whereas John McCain sat in prison in Hanoi for over 5 years, risking death from disease and medical complications resulting from his injuries, steadfastly refusing to cooperate with his enemy captors because his sense of honor and duty would not permit him to even consider an early release based on special advantage;

Whereas knowing his refusal to leave early may well result in his own death from his injuries John McCain told another prisoner "I don't think that's the right thing to do . . . . They'll have to drag me out of here";

Whereas following the Paris Peace Accords of January 1973, 591 United States prisoners of war were released from captivity by North Vietnam;

Whereas the return of these prisoners of war to United States control and to their families and comrades was designated Operation Homecoming;

Whereas many members of the United States Armed Forces who were taken prisoner as a result of ground or aerial combat in Southeast Asia have not returned to their loved ones and their whereabouts remain unknown;

Whereas United States prisoners of war in Southeast Asia were routinely subjected to brutal mistreatment, including beatings, torture, starvation, and denial of medical attention;

Whereas the hundreds of United States prisoners of war held in the Hanoi Hilton and other facilities persevered under terrible conditions;

Whereas the prisoners were frequently isolated from each other and prohibited from speaking to each other;

Whereas the prisoners nevertheless, at great personal risk, devised a means to communicate with each other through a code transmitted by tapping on cell walls;

Whereas then-Commander James B. Stockdale, United States Navy, who upon his capture on September 9, 1965, became the senior POW officer present in the Hanoi Hilton, delivered to his men a message that was to sustain them during their ordeal, as follows: Remember, you are Americans. With

faith in God, trust in one another, and devotion to your country, you will overcome. You will triumph;

Whereas the men held as prisoners of war during the Vietnam conflict truly represent all that is best about America;

Whereas Senator John McCain of Arizona has continued to honor the Nation with devoted service; and

Whereas the Nation owes a debt of gratitude to John McCain and all of these patriots for their courage and exemplary service: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its gratitude for, and calls upon all Americans to reflect upon and show their gratitude for, the courage and sacrifice of John McCain and the brave men who were held as prisoners of war during the Vietnam conflict, particularly on the occasion of the 25th anniversary of Operation Homecoming, and the return to the United States of Senator John McCain; and

(2) acting on behalf of all Americans—

(A) will not forget that more than 2,000 members of the United States Armed Forces remain unaccounted for from the Vietnam conflict; and

(B) will continue to press for the fullest possible accounting for such members.

SENATE RESOLUTION 197—DESIGNATING MAY 6, 1998, as "NATIONAL EATING DISORDERS AWARENESS DAY"

Mr. REID submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 197

Whereas over 8,000,000 Americans suffer from eating disorders, including anorexia nervosa, bulimia nervosa, and compulsive eating;

Whereas 1 in 10 individuals with anorexia nervosa will die;

Whereas 1 in 4 college-age women struggle with an eating disorder;

Whereas 80 percent of young women believe they are overweight;

Whereas 52 percent of girls report dieting before the age of 13;

Whereas 30 percent of 9-year-old girls fear becoming overweight;

Whereas the incidence of anorexia nervosa and bulimia has doubled over the last decade, and anorexia nervosa and bulimia is striking younger populations;

Whereas the epidemiologic profile of individuals with eating disorders includes all racial and socio-economic backgrounds;

Whereas eating disorders cause immeasurable suffering for both victims and families of the victim;

Whereas individuals suffering from eating disorders lose the ability to function effectively, representing a great personal loss, as well as a loss to society;

Whereas the treatment of eating disorders is often extremely expensive;

Whereas there is a widespread educational deficit of information about eating disorders;

Whereas the majority of cases of eating disorders last from 1 to 15 years; and

Whereas the immense suffering surrounding eating disorders, the high cost of treatment for eating disorders, and the longevity of these illnesses make it imperative that we acknowledge the importance of education, early detection, and prevention programs: Now, therefore, be it

Resolved, That the Senate designates May 6, 1998, as "National Eating Disorders Awareness Day" to heighten awareness and stress prevention of eating disorders.

AMENDMENTS SUBMITTED

THE PARENT AND STUDENT SAVINGS ACCOUNT PLUS ACT

CONRAD AMENDMENT NO. 2016

(Ordered to lie on the table.)

Mr. CONRAD submitted an amendment intended to be proposed by him to the bill (S. 1133) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses and to increase the maximum annual amount of contributions to such accounts; as follows:

On page 11, strike lines 5 through 10, and insert the following:

(d) MODIFICATION OF ADJUSTED GROSS INCOME LIMITATION.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended to read as follows:

"(1) IN GENERAL.—In the case of a contributor who is an individual, the maximum amount the contributor could otherwise make to an account under this section shall be reduced by an amount which bears the same ratio to such maximum amount as—

"(A) the excess of—

"(i) the contributor's modified adjusted gross income for such taxable year, over

"(ii) $60,000 ($80,000 in the case of a joint return and $40,000 in the case of a married individual filing separately), bears to

"(B) $15,000 ($10,000 in the case of a joint return and $5,000 in the case of a married individual filing separately)."

On page 19, between lines 5 and 6, insert the following:

SEC. 106. CREDIT FOR INFORMATION TECHNOLOGY TRAINING PROGRAM EXPENSES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits) is amended by adding at the end the following new section:

"SEC. 45D. INFORMATION TECHNOLOGY TRAINING PROGRAM EXPENSES.

"(a) GENERAL RULE.—For purposes of section 38, in the case of an employer, the information technology training program credit determined under this section is an amount equal to 20 percent of information technology training program expenses paid or incurred by the taxpayer during the taxable year.

"(b) ADDITIONAL CREDIT PERCENTAGE FOR CERTAIN PROGRAMS.—The percentage under subsection (a) shall be increased by 5 percentage points for information technology training program expenses paid or incurred by the taxpayer with respect to a program operated in—

"(1) an empowerment zone or enterprise community designated under part I of subchapter U,

"(2) a school district in which at least 50 percent of the students attending schools in such district are eligible for free or reduced-cost lunches under the school lunch program established under the National School Lunch Act, or

"(3) an area designated as a disaster area by the Secretary of Agriculture or by the President under the Disaster Relief and Emergency Assistance Act in the taxable year or the 4 preceding taxable years.

"(c) LIMITATION.—The amount of information technology training program expenses with respect to an employee which may be taken into account under subsection (a) for the taxable year shall not exceed $6,000.

"(d) INFORMATION TECHNOLOGY TRAINING PROGRAM EXPENSES.—For purposes of this section—

"(1) IN GENERAL.—The term 'information technology training program expenses' means expenses incurred by reason of the participation of the employer in any information technology training program in partnership with State training programs, school districts, and university systems.

"(2) INFORMATION TECHNOLOGY.—The term 'information technology' means the study, design, development, implementation, support, or management of computer-based information systems, including software applications and computer hardware."

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) (relating to current year business credit) is amended by striking "plus" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", plus", and by adding at the end the following new paragraph:

"(13) the information technology training program credit determined under section 45D."

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45D. Information technology training program expenses."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act in taxable years ending after such date.

Mr. CONRAD. Mr. President, I submit an amendment to S. 1133, the Parent and Student Savings Account Plus Act.

The amendment that I am offering today would extend tax credits to businesses that train workers in information technology skills. The credit would be equal to twenty percent of the information training expenses provided by a company; however, these expenses could not exceed $6,000 in a taxable year. The percentage of the credit would increase by five percent to twenty five percent for a business that operates a training program in an empowerment zone or enterprise community, a school district where fifty percent of students are eligible for the school lunch program, or in an area designated by the President or Secretary of Agriculture as a disaster zone. This amendment would be paid for by reducing the top of the phase-out range of the education IRA to $90,000 for joint filers and $75,000 for individuals.

The intent of my amendment is to encourage businesses to retrain current employees who may be about to be discharged, to retrain unemployed workers, and to encourage businesses to enter into partnerships with schools, job training programs or universities

to train students and workers in computer and information technology skills. As I noted earlier, a higher tax credit would be extended to a business that establishes a training program or partnership in an area where unemployment or poverty is high.

Mr. President, several months ago—January 12, 1998—Vice President GORE, while meeting with information technology executives in California, announced a series of Administration actions to meet the growing demand for information technology workers. The Vice President cited reports by several federal agencies including the Department of Commerce, that the demand for computer scientists, engineers, and systems analysts will double over the next decade. Industry spokesmen representing the Information Technology Association of America (ITAA) confirm that the current shortage of information technology workers is approximately 346,000. This shortage includes programmers, systems analysts and computer engineers.

For the information technology industry this shortage is threatening the competitiveness of U.S. companies. As ITAA President Harris Miller commented in January, "Technical talent is the rocket fuel of the information age. As an information-intensive society, we cannot afford to stand by as the next wave in our economic future departs for foreign shores. Empty classroom seats, a poor professional image, and other factors are conspiring to rewrite an American success story. We must solve this problem".

Mr. President, this matter is critical for the IT industry as further evidenced by a hearing held last month in response to industry concerns over this critical shortage of workers. The hearing focused on the need to amend current immigration law to raise the annual cap—currently set at 65,000—for temporary visas for highly skilled workers. This may be a short term solution to the IT worker shortage; however, it is not the long term answer to this problem. American workers and students must have opportunities to learn these new skills whether through partnerships, education or retaining programs.

Mr. President. That is the purpose of my amendment—to encourage more opportunities for American students and workers in the IT field. I hope that my colleagues will support this critical amendment. We can no longer rely on merely adjusting immigration quotas to meet the skilled IT worker shortage.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

GLENN AMENDMENT NO. 2017

(Ordered to lie on the table.)

Mr. GLENN submitted an amendment intended to be proposed by him 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:

Strike section 101 and insert the following:

SEC. 101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(2) CONTRIBUTION LIMIT.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(4) CONTRIBUTION LIMIT.—The term 'contribution limit' means $500 ($2,000 in the case of any taxable year beginning after December 31, 1998, and ending before January 1, 2003)."

(3) CONFORMING AMENDMENTS.—

(A) Section 530(d)(4)(C) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(B) Section 4973(e)(1)(A) is amended by striking "$500" and inserting "the contribution limit (as defined in section 530(b)(5)) for such taxable year".

(b) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

"The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary)."

(c) CORPORATIONS PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking "The maximum amount which a contributor" and inserting "In the case of a contributor who is an individual, the maximum amount the contributor".

(d) NO DOUBLE BENEFIT.—Section 530(d)(2) (relating to distributions for qualified education expenses) is amended by adding at the end the following new subparagraph:

"(D) DISALLOWANCE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph."

(e) TECHNICAL CORRECTIONS.—

(1)(A) Section 530(b)(1)(E) (defining education individual retirement account) is amended to read as follows:

"(E) Any balance to the credit of the designated beneficiary on the date on which the beneficiary attains age 30 shall be distributed within 30 days after such date to the beneficiary or, if the beneficiary dies before attaining age 30, shall be distributed within 30 days after the date of death to the estate of such beneficiary."

(B) Section 530(d) (relating to tax treatment of distributions) is amended by adding at the end the following new paragraph:

"(8) DEEMED DISTRIBUTION ON REQUIRED DISTRIBUTION DATE.—In any case in which a distribution is required under subsection (b)(1)(E), any balance to the credit of a designated beneficiary as of the close of the 30-day period referred to in such subsection for making such distribution shall be deemed distributed at the close of such period."

(2)(A) Section 530(d)(1) is amended by striking "section 72(b)" and inserting "section 72".

(B) Section 72(e) (relating to amounts not received as annuities) is amended by inserting after paragraph (8) the following new paragraph:

"(9) EXTENSION OF PARAGRAPH (2)(B) TO QUALIFIED STATE TUITION PROGRAMS AND EDUCATIONAL INDIVIDUAL RETIREMENT ACCOUNTS.—Notwithstanding any other provision of this subsection, paragraph (2)(B) shall apply to amounts received under a qualified State tuition program (as defined in section 529(b)) or under an education individual retirement account (as defined in section 530(b)). The rule of paragraph (8)(B) shall apply for purposes of this paragraph."

(3) Section 530(d)(4)(B) (relating to exceptions) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by adding at the end the following new clause:

"(iv) an amount which is includible in gross income solely because the taxpayer elected under paragraph (2)(C) to waive the application of paragraph (2) for the taxable year."

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (e) shall take effect as if included in the amendments made by section 213 of the Taxpayer Relief Act of 1997.

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND CZECH REPUBLIC

HARKIN EXECUTIVE AMENDMENT NO. 2018

(Ordered to lie on the table.)

Mr. HARKIN submitted an executive amendment intended to be proposed by him to the resolution of ratification for the treaty (Treaty Doc. No. 105–36) protocols to the North Atlantic Treaty of 1949 on the accession of Poland, Hungary, and the Czech Republic. These protocols were opened for signature at Brussels on December 16, 1997, and signed on behalf of the United States of America and other parties to the North Atlantic Treaty; as follows:

At the end of section 3(2)(A) of the resolution, insert the following:

(iv) as used in this subparagraph, the term "NATO common-funded budget" shall be deemed to include—

(A) Foreign Military Financing under the Arms Export Control Act;

(B) transfers of excess defense articles under section 516 of the Foreign Assistance Act of 1961;

(C) Emergency Drawdowns;

(D) no-cost leases of United States equipment;

(E) the subsidy cost of loan guarantees and other contingent liabilities under subchapter

VI of chapter 148 of title 10, United States Code; and

(F) international military education and training under chapter 5 of part II of the Foreign Assistance Act of 1961.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management.

The hearing will take place Wednesday, March 25, 1998 at 2:00 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on the following general land exchange bills: S. 890, to dispose of certain Federal properties located in Dutch John, Utah, to assist the local government in the interim delivery of basic services to the Dutch John community, and for other purposes; S. 1109, to make a minor adjustment in the exterior boundary of the Devils Backbone Wilderness in the Mark Twain National Forest, Missouri, to exclude a small parcel of land containing improvements; S. 1468, to provide for the conveyance of one (1) acre of land from Santa Fe National Forest to the Village of Jemez Springs, New Mexico, as the site of a fire sub-station; S. 1469, to provide for the expansion of the historic community cemetery of El Rito, New Mexico, through the special designation of five acres of Carson National Forest adjacent to the cemetery; S. 1510, to direct the Secretary of the Interior and the Secretary of Agriculture to convey certain lands to the county of Rio Arriba, New Mexico; S. 1683, to transfer administrative jurisdiction over part of the Lake Chelan National Recreation Area from the Secretary of the Interior to the Secretary of Agriculture for inclusion in the Wenatchee National Forest; S. 1719, to direct the Secretary of Agriculture and the Secretary of the Interior to exchange land and other assets with Big Sky Lumber Co; S. 1752, to authorize the Secretary of Agriculture to convey certain administrative sites and use the proceeds for the acquisition of office sites and the acquisition, construction, or improvement of offices and support buildings for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest in the State of Arizona; H.R. 1439, to facilitate the sale of certain land in Tahoe National Forest in the State of California to Placer County, California; H.R. 1663, to clarify the intent of the Congress in Public Law 93-632 to require the Secretary of Agriculture to continue to provide for the maintenance of 18 concrete dams and weirs that were located in the Emigrant Wilderness at the time the wilderness area was designated as wilderness in that Public Law.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Amie Brown or Mark Rey at (202) 224-6170.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation.

The hearing will take place on Wednesday, April 1, 1998 at 2:00 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on titles I, II, III, and V of S. 1693, a bill to renew, reform, reinvigorate, and protect the National Park System.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on National Parks, Historic Preservation and Recreation, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Jim O'Toole of the Subcommittee staff at (202) 224-5161 or Shawn Taylor at (202) 224-6969.

COMMITTEE ON ENERGY AND NATURAL RESOURCES COMMITTEE

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a workshop on the status of Puerto Rico has been scheduled before the Energy and Natural Resources Committee.

The workshop will take place on Thursday, April 2, 1998, at 9:30 a.m., in room SH-216 of the Hart Senate Office Building.

For further information, please call James P. Beirne, Senior Counsel, (202/224-2564) or Betty Nevitt, Staff Assistant at (202/224-0765).

AUTHORITY FOR COMMITTEES TO MEET

COMMITEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, March 17, 1998, at 9 a.m. in SR-328A. The purpose of this meeting will be to examine the reauthorization of expiring child nutrition programs, specifically WIC.

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

COMMITTEE ON ARMED SERVICES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, March 17, 1998, at 10 a.m. in open session, to consider the nominations for Mr. David R. Oliver, to be Deputy Under Secretary of Defense for Acquisition and Technology; Dr. Sue Bailey, to be Assistant Secretary of Defense for Health Affairs; and Mr. Paul J. Hoeper, to be Assistant Secretary of the Army for Research, Development and Acquisition.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on March 17, 1998 at 9:30 a.m., on tobacco legislation (smokeless/White House).

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Retirement Security during the session of the Senate on Tuesday, March 17, 1998, at 10:00 a.m.

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

COMMITTEE ON VETERANS AFFAIRS

Mr. COVERDELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a markup on the nomination of Togo D. West, Jr., to be Secretary, Department of Veterans Affairs, and a hearing on Persian Gulf War Illnesses: the lessons learned from Desert Storm re chemical and biological weapons preparedness.

The markup and hearing will take place on Tuesday, March 17, 1998, at 10:00 a.m., in room 216 of the Hart Senate Office Building.

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

SUBCOMMITTEE ON CONSTITUTION, FEDERALISM, AND PROPERTY RIGHTS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Constitution, Federalism, and Property, Rights, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Tuesday, March 17, 1998 at 10:00 a.m. to hold a hearing in Room 226, Senate Dirksen building, on: "Privacy in the Digital Age: Encryption and Mandatory Access."

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

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM AND GOVERNMENT INFORMATION

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Technology, Terrorism,

and Government Information, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Tuesday, March 17, 1998 at 2:30 p.m. to hold a hearing in Room 226, Senate Dirksen building, on: "Critical Infrastructure Protection: Toward a New Policy Directive."

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

SUBCOMMITTEE ON SEAPOWER

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services, be authorized to meet at 2:30 p.m. on Tuesday, March 17, 1998 in open session, to receive testimony on ship acquisition 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

THE CRISIS IN KOSOVO

• Mr. GRAMM. Mr. President, I wish to bring to the attention of my colleagues a very incisive commentary on the current situation in Kosovo. My colleague from Texas, Senator KAY BAILEY HUTCHISON, is the author of the opinion piece to which I refer and which was printed on the editorial page of the Wall Street Journal on March 13, 1998.

Senator HUTCHISON has emerged as one of the most articulate and knowledgeable voices in the United States Senate on today's foreign policy issues and, particularly, our policy in the Balkan region of Europe. As the Clinton administration decides upon an appropriate U.S. response to the recent violence in Kosovo, it would do well to consider carefully the commentary of my distinguished colleague. I ask that the article by Senator HUTCHISON be printed in the RECORD.

The article follows:

[From the Wall Street Journal, Mar. 13, 1998]

ONE BALKAN QUAGMIRE IS ENOUGH

(By Kay Bailey Hutchison)

In November 1995, as Congress was debating President Clinton's decision to send 20,000 U.S. troops to Bosnia, Deputy Secretary of State Strobe Talbott warned that, should Congress fail to support that decision, the conflict "could all too easily spread well beyond Bosnia." Mr. Talbott's particular concern was the southern Yugoslav province of Kosovo where ethnic Albanians, making up 90% of the population, are repressed by the Serb-dominated government in Belgrade.

Recent events in Kosovo, where dozens of ethnic Albanians have been killed in nearly a week of open fighting, would seem to validate the administration's fears. Except for one thing: The fighting has occurred even though we did send troops to Bosnia. It appears, however, that this subtlety may have been lost on the administration. In trying to rally the allies, Secretary of State Madeleine Albright has warned that "the only effective way to stop violence in that region is to act with firmness, unity and speed. . . . The time to stop the killing is now, before it spreads." That's essentially the same argument the administration made to justify the troop commitment to Bosnia.

The administration's response to the crisis in the Balkans has been consistent with the Clinton Doctrine, which calls for decisive action with overwhelming American force only where our national security interests are poorly defined or nonexistent, as in Somalia and Haiti. In contrast, where the U.S. does face a clear threat to its longstanding interests—as in the case of North Korea's development of nuclear weapons or Saddam Hussein's saber-rattling—the Clinton Doctrine dictates cutting a deal and declaring victory, preferably with the help of the United Nations.

The Kosovo crisis is a microcosm of the racial, ethnic and religious tensions, suppressed for decades, that were unleashed in the Balkans with the end of communism. Since 1981 the Albanian majority in Kosovo has sought independence or autonomy. Albanians in Kosovo have boycotted all the institutions of the Yugoslav state, including local and national elections. For his part, President Slobodan Milosevic has used his form control of the police to brutalize and repress the Albanians. The Albanians have answered violence with violence, directed by an underground faction called the Kosovo Liberation Army.

If this story has a familiar ring to it, it should. It was Bosnia's declaration of independence that led to four bloody years of war and the involvement of 20,000 U.S. troops. Again, as in Bosnia, the U.S. finds itself serving the purposes of the most unsavory elements in an ethnic crisis. We are trying to divide the acceptable center between Serbian strongman Milosevic on the one side and a violent insurgency group, the KLA, on the other. In the meantime, ordinary people in Kosovo, both Albanian and Serbian, suffer.

We are falling into the same trap that ensnared us in Bosnia. Rather than making clear to our allies and to the belligerents themselves the limits of American involvement, Ms. Albright's comments hold out the prospect for greater involvement. We must resist it. There is no reasonable number of American ground troops that can end this crisis.

We can contain it, though, first by making clear to our NATO allies that we will not accept their involvement as belligerents in this crisis. This is important because both Greece and Turkey have subsidiary interests in the southern Balkans. At the same time, we should make it clear to Germany, Italy and others bordering the region that they have the means and the interest in resolving this crisis themselves.

The U.S. can and should provide a great deal of support, including airlift, intelligence and, most importantly, diplomatic good offices. But under no circumstances should we hold out the prospect of additional U.S. ground troops. In fact, we should use the opportunity we now have to reconvene the parties to the Dayton Accords, expand the agenda to include the troubles, in Kosovo, and revise the partitions already established in Dayton to permit an early American withdrawal.

It's time to reverse the Clinton Doctrine. If we do not, we may find ourselves not only failing to reduce our presence in the Balkans, but increasing it dramatically. Maintaining an open-ended troop commitment in Bosnia—and beginning a new one in Kosovo—would further deteriorate our ability to defend our national security interests elsewhere. As Congress considers additional funding for the mission in Bosnia, it should insist that the U.S. not add Kosovo to the long list of far-off places where American forces are present but American interests are absent.•

KATYN FOREST MASSACRE

• Mr. TORRICELLI. Mr. President, I rise today both to remember the 15,000 innocent people who died at the Katyn Forest Massacre in 1940 and to make sure that their memory never fades from our minds.

In 1939, Joseph Stalin's army captured 15,000 Polish military officers and proceeded to perpetrate what some have called one of the most heinous war crimes in history. These 15,000 people were Poland's elite and presented a serious threat to Stalin's future control of Poland. Fearing their resistance, Stalin ordered his army to execute the Polish officers in the Katyn Forest. There was no trial. There was no justice for the victims of Stalin's excesses. Stalin did this under the cover of a forest and the shield of his authority while hiding it from the international community. The investigation conducted by this Congress found that the victims were unarmed and innocent. It concluded that the crime was concealed by the Soviet government and that its perpetrators were never brought to justice. As the years passed, the Soviet government was content to let the Nazi regime be blamed for Katyn. It avoided issuing a formal apology or attempting to even make reparations. On February 19, 1989, the Soviets finally released documents confirming the Soviet role in the Katyn Massacre.

After fifty years of lies and manipulation, an admission of complicity does not ease the pain of a nation whose entire population was affected by this horrible event. I am hopeful that as time goes by and more people learn about this massacre, we will all be able to come to terms with the memory of Katyn and the pain that it has caused. It is a memory that must be sustained to ensure that our bonds of humanity will continue on into the next millennium and that our past will not be destined to repeat itself.

Mr. President, I rise today to remember these 15,000 victims with the hope that their memory will prevent future atrocities from occurring and will crudely remind the world of its responsibility to protect the innocent at all times. In 1998, we have an obligation to one another to make sure that a tragedy like this does not occur again. The only way to do this is to make sure that the memory of Katyn lives on.•

PAUL G. UNDERWOOD, COLONEL, U.S. AIR FORCE

• Mr. FAIRCLOTH. Mr. President, yesterday, an American hero was honored

by his grateful countrymen. Air Force Colonel Paul Underwood, formerly stationed at Seymour Johnson AFB in Goldsboro, North Carolina, was laid to rest at Arlington National Cemetery after having been shot down more than 30 years ago during his 22nd combat mission over Vietnam.

He was first listed as "Missing In Action" for 12 years before being officially declared deceased. But, it was only recently that his remains were recovered and brought home for a military funeral with full honors.

Col. Underwood answered the call of duty when our country was most in need, not just once, but three times. He served in World War II, the Korean Conflict, and finally in Vietnam. He went unquestioningly wherever he was needed.

To the family and friends of Col. Underwood, I extend my deepest sympathy on this solemn occasion. Col. Underwood gave his life in the service of his country. His wife, Gloria, his children and grandchildren, and his dearest friends have all suffered the great loss that has followed Col. Underwood's selfless sacrifice in the defense of the freedom that all of us enjoy.●

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT

● Mr. LAUTENBERG. Mr. President, last week, the Senate overwhelmingly passed S. 1173, the ISTEA II bill. I supported that bill because, while it does not provide for all of New Jersey's highway and transit needs, it is indeed a better, more balanced bill than the one that was originally presented by the Environment and Public Works Committee early last September. Since September, I have managed to secure an additional $120 million in highway funds each year for New Jersey, which brings us near to where we need to be. In addition, the Senate gave strong support to the mass transit title of the bill, which continues the federal government's solid commitment to our nation's subways, buses and commuter rail projects. Mass transit was helped by an additional $5 billion that was provided over the life of the bill. I was pleased to join with Senators D'AMATO, SARBANES, MOYNIHAN and DOMENICI in announcing this agreement, balancing out the funds allocated to both highways and mass transit.

During these past few months, I have worked to ensure that federal transportation funding allocated to New Jersey would be enough to meet our state's tremendous infrastructure needs. The original highway title provided adequate funds to most of the United States, but not to all. It simply was not balanced. In short, the bill did not recognize the special needs of high density, high traffic states. Even with an extra $20 million in bridge discretionary funds that the Committee agreed to provide to my state of New Jersey, my state's funding levels would have actually been lower in 1998 than in 1997 despite a 20 percent growth in the overall program. This was unacceptable and I was determined to change that bill.

New Jersey is the most densely populated state in the nation, and our roads carry more traffic per lane mile than any state in the country. We are a true corridor state. Ten percent of the nation's total freight passes through New Jersey. These conditions create burdens that have an adverse impact on the state's transportation infrastructure, environment, and economic productivity.

That's why, Mr. President, I am pleased that the Senate adopted the High Density Transportation Program which provides funds to states which share these same problems and had not done well in the apportionment formulas used in the underlying bill.

Mr. President, as we enter the 21st century, with an increasingly global marketplace, one of our most important functions will be to ensure the existence of a seamless transportation system which can carry large volumes of people and goods. But, for now, severe system failures exist in densely populated, urban areas where high volumes of traffic clog the roads and high repair costs impede routine maintenance, not to mention traffic flow enhancement. Roads in these high density States provide invaluable support to the Nation's economy by carrying high value goods and service-providers along essential trade corridors which connect nationally significant ports and economic sectors to the rest of the country. However, the intensity of traffic causes highways in these States to deteriorate rapidly. As a result, crucial portions of the interstate highway system linking all of us are in desperate need of repair. Moreover, costs are extraordinarily high for highway repair and maintenance in these high density States, especially in urban areas. The High Density Transportation Program will address these problems by providing $360 million a year for grants to States that meet specific population density, heavy traffic, and high urbanization criteria. Under this program, eligible States, like New Jersey, are guaranteed $36 million a year, but they can qualify for even more. These funds may be used for highway and transit projects.

Mr. President, the High Density program rounds out New Jersey's funding. Under ISTEA II, New Jersey will receive a hefty increase each year in highway and transit funds over the funding levels in ISTEA I. More specifically, this means ISTEA II will provide $1.05 billion each year for New Jersey's roads, bridges, and mass transit systems. This figure includes an average of $660 million in highway formula funds and an estimated $390 million in mass transit formula funds for New Jersey. By comparison, the bill as introduced last September would have only provided New Jersey with an average of $532 million for highways and $345 million for transit. I have fought hard to improve New Jersey's funding levels, and apparently my efforts paid off.

The Senate also took a strong stand against drunk driving in this bill. Alcohol is a dominant cause in 41 percent of highway deaths. However, because the Senate adopted my amendment to establish a national drunk driving limit of .08 percent blood alcohol content, I am confident that this grim statistic and the highway death rate in general will improve. Senator DEWINE and I fought hard to get this amendment passed, and it did, by a 62–32 vote. This amendment is estimated to save 500 to 600 lives each year. I also worked with Senator DEWINE and Senator WARNER to develop a provision that the Senate adopted that toughens drunk driving penalties for repeat offenders. And, I was a lead co-sponsor on another important anti-drunk driving measure to outlaw open containers of alcohol in moving vehicles nationwide. Alcohol has no place on our roads and this bill takes a strong stand against drunk driving.

Mr. President, I was also pleased to see the Senate adopt another amendment I developed to make "ports of entry" eligible for the planning and infrastructure funding authorized for this new trade corridor program. To qualify for funding, a port would have to show that there had been a significant increase in the transportation of cargo by rail and motor carrier through that facility since the enactment of NAFTA.

The bill also continues our commitment to technology that will increase efficiency and improve safety within our transportation system, by including a comprehensive Intelligent Transportation Systems program, authorized at $1.8 billion over six years, that I helped author with the managers of the bill. Intelligent Transportation Systems hold the promise of increasing capacity and promoting safety through innovative technologies. A recently released report estimated that ITS projects and programs generate a benefit/cost ratio of more than 8:1 for the Nation's 75 largest metropolitan areas. Intelligent Transportation Systems provide cost-effective ways to achieve the Nation's transportation goals of mobility, efficiency, national and international productivity, safety and environmental protection. The bill incorporates ITS into mainstream transportation planning and construction process for all modes at the local, state and federal levels. It also integrates ITS technologies in the Nation's infrastructure, resulting in coordinated ITS

systems that benefit the safe and efficient movement of both passengers and freight in localities, states, regions and corridors. I am pleased that the Senate adopted a strong, comprehensive program.

Mr. President, the first ISTEA emphasized the importance of intermodalism in reducing congestion and improving mobility. One way intermodalism will be enhanced in this bill is through an amendment adopted by the Senate which I strongly supported. This amendment will boost the existing $18 million annual Ferry Program to $50 million for ferry operations around the country.

Another goal of ISTEA I was the reduction of air pollution and traffic congestion. Protecting the environment remains an important element of federal surface transportation programs under ISTEA II as well. Thus this bill increases the Congestion Mitigation and Air Quality Program funding levels and maintains the enhancements program. This bill also includes an amendment that I authored to establish a "Transportation and Environment Cooperative Research Program," funded at $5 million a year, that will study the relationship between highway density and ecosystem integrity, including an analysis of the habitat-level impacts of highway density on the overall health of ecosystems.

I am also pleased that the Senate stated its support for the continuation of a provision that I authored in the original ISTEA that froze longer combination vehicle operations on routes as of 1991. Longer combination vehicles (LCVs) can be longer than a 737 jetliner and can weigh up to 164 tons. Multitrailer trucks are involved in more serious crashes than single-unit trucks or small tractor-trailer combinations. Although big rig trucks make up only 3 percent of all regulated vehicles, they are involved in 21 percent of all fatal multi-vehicle crashes. The least we can do is maintain the current system and not let LCVs branch out onto roads they aren't already on now.

Mr. President, I am pleased to support this bill. I will continue to work to ensure that New Jersey is treated fairly in the final bill that will be signed by the President.•

EXTENDING THE DEADLINE FOR SUBMISSION OF A REPORT BY THE COMMISSION TO ASSESS THE ORGANIZATION OF THE FEDERAL GOVERNMENT TO COMBAT THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

• Mr. SPECTER. Mr. President, I ask that the text of the bill, S. 1751 introduced on Thursday, March 12, 1998 be printed in the CONGRESSIONAL RECORD.

The text of the bill follows:

S. 1751

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DEADLINE FOR SUBMISSION OF COMMISSION REPORT.

Section 712(c)(1) of the Combatting Proliferation of Weapons of Mass Destruction Act of 1996 (contained in Public Law 104-293) is amended by striking "enactment of this Act" and inserting "first meeting of the Commission".•

TRIBUTE TO DR. RALPH IZARD

• Mr. GLENN. Mr. President, one of the fundamentals of our great Republic has been public education and the benefits it bestows to our society.

As the early American pioneers moved westward across the Appalachian Mountains, they chartered—in 1804—the first university in the Western Territory near the Hocking River in the town of Athens: Ohio University. Since then, the impact of this pioneering institution has reached far beyond the Appalachian foothills, across the nation and around the globe.

Today, I rise to offer a tribute to a modern-day educator who represents the best characteristics of our public education system, Dr. Ralph Izard.

For a dozen years, Dr. Izard has served as director of the E. W. Scripps School of Journalism at Ohio University. Effective June 30, 1998, after more than three decades of service to Ohio University and the academic community, he will retire.

Mr. President, I recognize that journalism training occurs throughout our nation, however, those who rate post-secondary journalism education consistently rank Ohio University among the nation's best.

Whether it's education, or politics or sports, it's tough to repeat as champions. Yet, that is the legacy of Dr. Izard at Ohio University. Year after year, the E. W. Scripps School of Journalism, under his direction, has produced premier writers, editors and public relations practitioners.

Like all success stories, there are multiple reasons why the E. W. Scripps School of Journalism excels. Among them: a strong faculty and widespread private support from alumni and industry.

E. W. Scripps is a legend in the publishing world. The Scripps' partnership with higher education through Ohio University is a national model for private support for public education.

This success story includes another key ingredient; the leadership and professionalism of Dr. Ralph Izard. Involved in academia for 32 years, Dr. Izard never lost his focus on individual students, and he never lost his love of teaching.

That's because he never stopped learning. As technology changed, Dr. Izard kept pace. He insisted journalism education adapt to change. Thus, college training remained relevant to students and the job market.

So today, nearly two centuries after those early pioneers founded a university in Athens, Dr. Izard personifies their ideals of higher education by preparing thousands of their sons and daughters for the challenges of a new century.

For his achievements, leadership and dedication to education, we salute Dr. Ralph Izard and wish him well in future endeavors.•

ST. PATRICK AND TWO VENERABLE NEW YORK CITY INSTITUTIONS

• Mr. MOYNIHAN. Mr. President, I rise on this great day in honor of Ireland's legendary saint and pay special tribute to two venerable New York City institutions bearing his name. St. Patrick's Old Cathedral, dedicated in 1815, and St. Patrick's Old Cathedral School, opened in 1822, have served the citizens of New York for nearly two centuries.

Throughout the Cathedral and School's history, Old St. Patrick's priests, nuns, parishioners and students have contributed so very much to the betterment of New York City. Most famously, Saint Patrick's parishioners and their erstwhile leader Bishop John Hughes helped define the course of American immigration in the 1830's when they refused to let nativists prevent Catholics, mostly poor Irish at the time, from establishing themselves in New York City. Their heroic efforts included an 1835 standoff in front of Saint Patrick's in which an anti-Catholic, anti-immigrant mob gathered to destroy the Cathedral. The Cathedral stood, and with it America's first large immigrant population.

Nearby, Saint Patrick's Old Cathedral School has served as a lead model for many of New York City's parochial schools. Founded by the Sisters of Charity, the schoolhouse on Mott Street has offered for 176 years the hope and opportunity of a strong education to tens of thousands of mostly poor, immigrant students.

Recently, I had the good fortune to revisit Saint Patrick's Old Cathedral and the Old Cathedral School and am delighted to report that these institutions remain remarkably unchanged in their caring mission and spirit. The good works abound under the leadership of a newly appointed pastor, Father Keith Fennessy. I look forward to working with him and others in celebrating next year's two hundred and fiftieth anniversary of Lorenzo Da Ponte's birth. Da Ponte, who was Mozart's librettist, was a parishioner, and his funeral mass was celebrated at Old St. Patrick's. Unfortunately, Da Ponte, like Mozart, ended up in a mass grave. Next year provides the nation a chance

to celebrate the life of one of the greatest librettists, and one of the most influential Italian-Americans in our history. I eagerly anticipate my return to Old St. Patrick's for these events.

By serving the surrounding neighborhoods, Saint Patrick's Old Cathedral and Saint Patrick's Old Cathedral School remain as vital as they were almost two centuries ago. Thus, I extend my gratitude to these institutions for their vital work on this great day of thanks for their patron saint, St. Patrick.•

SUPPORT OF JUDGE FREDERICA MASSIAH-JACKSON

• Mr. KENNEDY. Mr. President, yesterday, unfortunately, Judge Massiah-Jackson asked President Clinton to withdraw her nomination to serve as a federal judge in the U.S. District Court in Philadelphia.

I know that this was a difficult decision for Judge Massiah-Jackson and her family. She is a distinguished state court judge with a distinguished record. She has the strong support of the people of Philadelphia. She earned the President's nomination to this distinguished office, and she should have been confirmed by the United States Senate.

Instead, she was subjected to numerous unfair attacks and gross distortions of her record. The attacks on Judge Frederica Massiah-Jackson by her opponents are full of half-truths, and misinformation.

In fact, she is a remarkable lawyer and judge with a long history of service to the people of Philadelphia, and she deserved to be confirmed to serve as a federal judge on Pennsylvania's Eastern District Court.

Judge Massiah-Jackson has worked long and hard and well to get where she is today. She is the daughter of immigrants. Her father came to the United States from Barbados, and her mother came from Haiti. They taught her the value of hard work, commitment to family, and giving back to the community. Judge Massiah-Jackson's entire life and career are testimony that she lives by these virtues.

She was born and raised in Philadelphia. She graduated from the University of Pennsylvania Law School, one of the nation's most prestigious law schools. She could have made a career in private practice and been a great financial success. But instead, she has devoted her life to public service.

Upon graduating from law school, she served as a law clerk, then as chief counsel to the Business Committee of the Pennsylvania State Senate. In 1984, she was elected to the Court of Common Pleas in Philadelphia, and reelected to that position in 1993.

Most nominees for the federal court have a background in either civil law or criminal law. But Judge Massiah-Jackson has a background in both. In her first years on the Court of Common Pleas, she handled criminal cases. In recent years, she has handled the court's docket of complex civil cases. So this eminently qualified judge will bring a wealth of experience to the federal district court.

Her opponents unfairly ignored this impressive record. Instead, they latched onto a few isolated cases, mischaracterized them, and then used them to defame the reputation of this distinguished judge. When she answered their questions, they invented still more reasons to object to her nomination.

This process is unfair. It is unfair to Judge Massiah-Jackson and her family. It is unfair to the people of Philadelphia. It is unfair to the nation's system of justice. And it is a disgrace to the United States Senate.

Even if the cases that her critics cite were wrongly decided, they represent less than one percent of the 4,000 cases over which she has presided in her long career.

How many United States Senators can say that they have been right over 99 percent of the time?

Look at the process that led to her nomination.

She passed the bipartisan judicial selection committee established by Senator SPECTER and Senator SANTORUM with flying colors.

She was screened by the Justice Department to ensure her qualifications.

The FBI conducted a thorough background investigation of her character.

The American Bar Association reviewed her professional qualifications for the job.

Senator SPECTER, Senator SANTORUM, and Senator BIDEN conducted their own hearing in Philadelphia to review Judge Massiah-Jackson's qualifications even further.

Finally, she appeared before the Judiciary Committee not once, but twice. And yesterday, she patiently and professionally answered each and every question that Senators put to her.

But perhaps most significant, Judge Massiah-Jackson had the most important endorsement that any nominee before this committee could have—the respect and admiration of the people who know her best—the people she has served for 14 years—the people of her hometown of Philadelphia.

Her opponents have distorted her record by mischaracterizing isolated cases from among the thousands she has handled over the past decade and a half. But the citizens of Philadelphia know better.

Listen to what the people who really know her have to say.

The Philadelphia Bar Association says, "We know Judge Massiah-Jackson to be an outstanding jurist—fair, patient, and thorough." This is what her fellow lawyers in Philadelphia have to say about her. And they know her better than anyone in the United States Senate.

Mayor Ed Rendell of Philadelphia strongly supported her nomination. He says, "It is clear that she should be confirmed."

As the Pennsylvania Legislative Black Caucus wrote to the Judiciary Committee, "Judge Jackson is an outstanding and able jurist. She has labored long and hard in the trenches of the judiciary and is a demonstrated supporter of fair and even justice."

The organization "Philadelphians Against Crime" ran an ad in the Philadelphia Daily News on February 25, saying, "We support Judge Massiah-Jackson for the federal judgeship."

Barbara Burgos DiTullio, President of the Pennsylvania Chapter of the National Organization for Women, writes, Judge Massiah-Jackson "is highly qualified to hold this position, and anyone looking at her record instead of listening to those who have personal vendettas would know this."

The Philadelphia Tribune endorsed her, saying "[Judge Massiah-Jackson] is eminently qualified for the federal bench."

Here is the Philadelphia Daily News: "Frederica Massiah-Jackson's record demonstrates her suitability for the federal bench."

In addition, Judge Massiah-Jackson received the support of lawyers who have appeared before her in court. In a survey conducted by the Philadelphia Bar Association, the vast majority of the lawyers who appeared before her expressed their confidence in her integrity and judicial temperament, and found her to be industrious and efficient.

Judge Massiah-Jackson earned these endorsements because she has established herself as a tough-minded, nononsense jurist throughout the more than 4,000 cases she has handled in her 14 years on the Philadelphia Court of Common Pleas. She is tough on crime, and tough on criminals. According to the Philadelphia Bar Association's independent review committee, Judge Massiah-Jackson is more likely, not less likely than her colleagues on the court to convict defendants.

For serious crimes, such as robbery, rape, and burglary, her conviction rate is nearly 50 percent higher than the conviction rate of her colleagues.

Her record on sentencing is right down the middle when compared with other judges on the court. Her rate of departure from Pennsylvania's sentencing guidelines is not measurably different from her colleagues. In fact, her record shows that she is more likely than her colleagues to depart upward from the guidelines, imposing stiffer sentences than the guidelines call for.

When Judge Massiah-Jackson's full record is considered, it is clear that she

is fully qualified to serve on the Federal District Court. She eminently deserved her nomination to the federal court, because of her strong commitment to justice, and her profound knowledge of the law. I am confident that Judge Massiah-Jackson will continue to serve the people of Philadelphia well on the Court of Common Pleas.●

ORDERS FOR WEDNESDAY, MARCH 18, 1998

Mr. HELMS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. tomorrow, Wednesday, March 18, and immediately following the prayer, the routine requests through the morning hour be granted and the Senate then begin a period for the transaction of morning business until the hour of 11:30 a.m., with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator THOMAS, 45 minutes from 10:15 to 11; Senator MOYNIHAN and Senator KERREY, 30 minutes, from 11 to 11:30; Senator JEFFORDS, 10 minutes; and Senator KENNEDY, 10 minutes.

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

PROGRAM

Mr. HELMS. Mr. President, tomorrow the Senate will be in a period of morning business from 9 a.m. until 11:30 a.m., and at 11:30 a.m., as under a previous agreement, the Senate will begin debate on H.R. 2646, the A+ education bill, with Senator ROTH being recognized to offer an amendment. In addition, the Senate may also consider S. 414, the international shipping bill, or S. 270, the Texas low-level radioactive waste bill, and any other legislative or executive business cleared for Senate action. Therefore, Members can anticipate rollcall votes throughout Wednesday's session of the Senate.

ORDER FOR ADJOURNMENT

Mr. HELMS. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order, upon the completion of the remarks of Senator HARKIN.

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

Mr. HELMS. Mr. President, I am advised the Senator is on his way. I will suggest the absence of a quorum, but at the conclusion of Senator HARKIN's remarks it already stands that we will adjourn under the previous order; is that correct?

The PRESIDING OFFICER. That is correct. The Senate will be in adjournment at that time.

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

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

NATO EXPANSION

Mr. HARKIN. Mr. President, I would like to speak just for a few minutes about the issue of the NATO expansion that has come to the floor today. As I understand the parliamentary situation, the NATO expansion resolution has been laid down, we are now in morning business, and we will not be back on the NATO expansion resolution until sometime later—not tomorrow—maybe later this week or maybe next week or beyond.

I am hopeful at the outset that even though the bill has been laid down, the Senate will be given time for due discussion and debate on the proposed NATO expansion. Quite frankly, I was one of those who signed a letter with my colleague Senator SMITH from New Hampshire and, if I am not mistaken, 17 other Senators, both Republicans and Democrats, asking that the debate on the proposed NATO expansion be suspended or postponed for a while. I will get into the reasons for that in just a moment. I am sorry it is now before the Senate. I think it should have been postponed for very good and sufficient reasons.

This is an issue with profound implications for our Nation and the international community. It is also an issue that, I am disappointed to say, has not received the kind of vigorous national debate that it deserves. I was asked the other day when I was in my home State of Iowa about the NATO expansion bill and what kind of interest was in it. I said basically it is a big yawn. No one is talking about it, very few people are writing about it, and yet this may be the most serious vote that we take this year in the U.S. Senate.

Quite frankly, even though I respect the Foreign Relations Committee, they have had a lot of hearings on it I know, they have had witnesses in, but still it has not received the kind of national debate and national focus that it really deserves. I think we are kind of rushing this issue right now in light of the fact that there is supposed to be a NATO study that is due this June. Again, I will talk about that in a moment.

Taking such a huge step in foreign policy with such low levels of awareness among the public and even in Congress is not a good idea. The debate or, more accurately, I should say the lack of debate on this important policy question has concerned and surprised me. Moving forward before legitimate concerns and competing viewpoints receive a complete airing does not seem prudent. The usually deliberative Senate seems to be in a rush to pass judgment on this issue. I ask, what's the rush?

Concerns about the extension of America's military obligations have been voiced by Members, interest groups and academics across the political spectrum. One must observe more than just casually that when the voices expressing caution include progressives, conservatives, libertarians and others, Republicans and Democrats, such diverse opposition may be a sign to act more slowly and deliberatively on this issue.

Let me be clear, I have not yet decided how I will vote on NATO expansion. If I had to vote tomorrow, I would vote no, because I believe, more often than not, that is the safest way to proceed when one does not have all the information that one needs and when there are, I think, sufficient questions about the expansion and what it is going to cost and what its implications for our foreign policy will be. However, later on, after more information is gleaned in a vigorous public debate, I might be inclined to vote for it. But at the present time, I cannot support it without more information and without some more enlightenment as to the actual cost figures.

Without a comprehensive consideration of the issues surrounding NATO expansion, I am concerned that we will continually have to revisit potentially divisive issues, such as cost and burdensharing among member nations, the issues of command and coordination of forces, issues of responses to real and perceived threats, or even the more basic question of the mission and scope of the organization itself. These are not simple questions that lend themselves to a sound-bite debate. These are questions which will shape, for better or for worse, our defense and foreign policy options for decades to come.

To be sure, NATO has been a success. It has helped keep the peace in Europe for nearly 50 years both by deterring aggression from the Warsaw Pact nations and encouraging cooperation between NATO members. I must say that due to the commitment of its members and the leadership of the United States, NATO has largely fulfilled the reason for its very birth—the Soviet Union. NATO has fulfilled its original intent, it has outlived the Soviet Union, and now we have to ask, what is its future? What role would an expanded NATO play in a post-cold-war era? What role would it play in a new century, in a new millennium? And the question I will be raising tonight and many times during this debate is, at what cost, both in financial terms and

in less tangible areas such as the potential for strained relations with nonmember nations or even a dangerous rollback of the nuclear nonproliferation progress made since the end of the cold war?

One of my primary concerns, as I said, is the wide variance in and suspect reliability of projected financial costs. I have seen projections range from $125 billion down to $1.5 billion. When you have that kind of wide variance, something is very strange.

Another piece of the puzzle we are missing is how new members are to address their military shortfalls. Although the shortfalls were to be identified in December 1997, the countries' force goals will not be set until this spring. In other words, we are without a plan to address the force goals and the price tag associated with it. I am very uncomfortable signing the American taxpayer's name to a potentially ballooning blank check.

What share the taxpayers ultimately will pay for NATO expansion is not at all clear, not just because there is no consensus on what the overall costs will be, but also because burdensharing arrangements between current and prospective members have not been firmly established.

I will offer an amendment at the beginning to deal with some of the cost concerns I have been raising. As we know, the $1.5 billion cost figure that we have seen for the United States for NATO expansion is quoted widely and broadly. That figure includes only what is known as common costs. The figure excludes a number of other expansion costs for the three nations that are due to join NATO if this resolution passes relating to the upgrading of their militaries. The United States is expected to contribute substantially to the "national" costs through bilateral subsidies my amendment would require, including the bilateral contributions, when calculating the U.S. share of enlargement costs.

I ask unanimous consent that the text of my amendment be printed in the RECORD.

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

At the end of section 3(2)(A) of the resolution, insert the following:

(iv) as used in this subparagraph, the term "NATO common-funded budget" shall be deemed to include—

(A) Foreign Military Financing under the Arms Export Control Act;

(B) transfers of excess defense articles under section 516 of the Foreign Assistance Act of 1961;

(C) Emergency Drawdowns;

(D) no-cost leases of United States equipment;

(E) the subsidy cost of loan guarantees and other contingent liabilities under subchapter VI of chapter 148 of title 10, United States Code; and

(F) international military education and training under chapter 5 of part II of the Foreign Assistance Act of 1961.

Mr. HARKIN. Basically, we see this figure bandied about that it is going to cost $1.5 billion. That is common costs. There are other national costs to which we have committed to subsidize. Already, just in the past 2 years, the figures that we have been able to unearth and dig into show that the United States has already spent about $1 billion in subsidies to these countries for their NATO expansion purposes. That is not calculated in the $1.5 billion. It should be, because it is still a cost to the U.S. taxpayers.

This amendment, plus some others that I will have, will try to fashion this resolution so that we will have a really good handle as we go year by year as to just what the costs are to the U.S. taxpayers. We know already that $1.5 billion is not the total cost to U.S. taxpayers. It is more than that. How much more? We don't know. That is why I was one who wanted to postpone the debate and vote on NATO expansion after June. I thought we could take it up in July, have a serious debate, pass it in midsummer, or not pass it, as the will of the body would be. At least at that time we would have a study being done by NATO at the present time that is due in June. We don't have that study right now. This study is basically on the requirements for upgrading the militaries of these three countries. That way we would have a better idea of the shortfalls in these countries, in their militaries, and the costs to the United States—not just the common costs, but the other kinds of costs that we will be enlisted to come up with in terms of the national costs which we will be subsidizing for these three countries.

I am hopeful as this debate ensues that I will be able to engage with members of the Foreign Relations Committee to explain thoroughly for the record exactly what these national costs are, what our commitments are, what the subsidies are, and if we have any data at all, to give us a better idea of what these subsidies and the national costs will be. If we just projected ahead based upon what we found in the last couple of years, in the next 10 years we would be looking at somewhere in the neighborhood of at least an additional $10 billion for our taxpayers, at a minimum, and that is before any of the upgrades have taken place in any of these countries. So that is just based upon what we spent in the last couple of years.

Mr. President, again I hope we have a good debate on this. I am hopeful we can get some better cost figures. As I said, I will offer this amendment at the appropriate time. I printed it in the RECORD today, to get a better handle on the costs. I also will be placing in the RECORD letters from former Senators, questions raised by academics around the country as to just what the purposes of NATO expansion are, what the goals will be, how will this affect our relations with Russia, how will it affect our relations with other countries that are not members of NATO now but perhaps want to be in the near future.

I understand there will be an amendment offered that will close the door for certain other countries to join NATO for some specified amount of time. What will this do to our relations with these countries and the relations of those countries with those nations that will be joining NATO if this resolution passes? I think these are all very serious questions. I hope the debate will flesh these out and that we can have some solid answers, especially as to the costs.

Perhaps as to relations between nations in the future, this may be more in the realm of speculation. But I believe that at least these ought to be talked about and debated, and they ought to be debated in light of what the costs to our taxpayers would be.

I am more interested in that than any of the other aspects of the bill that is now before us.

Mr. President, with that, I yield the floor.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate will stand in adjournment until 9 a.m. tomorrow morning, March 18.

Thereupon, the Senate, at 6:44 p.m., adjourned until Wednesday, March 18, 1998, at 9 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate March 17, 1998:

THE JUDICIARY

SUSAN GRABER, OF OREGON, TO BE U.S. CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

HOUSE OF REPRESENTATIVES—*Tuesday, March 17, 1998*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. HOBSON).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 17, 1998.

I hereby designate the Honorable DAVID L. HOBSON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. VISCLOSKY) for 5 minutes.

CONGRATULATIONS TO VALPARAISO UNIVERSITY MEN'S BASKETBALL TEAM

Mr. VISCLOSKY. Mr. Speaker, on behalf of the people of Northwest Indiana that I represent and as an Indiana University and Notre Dame University graduate, I want to congratulate Valparaiso University, which is in the First Congressional District of Indiana. I want to congratulate the Valparaiso men's basketball team on their impressive wins in the first and second rounds of the NCAA Tournament. It is a remarkable achievement for Valparaiso University and a great source of pride for me and the citizens I represent.

Valparaiso is the smallest school represented in the tournament, with a total of 2,700 undergraduate students. Nonetheless, Valparaiso has seen a level of success few teams have experienced. They have won both the regular season conference title and the Mid-Continent Conference tournament title for the last 4 years, a feat accomplished by only three other teams in NCAA history.

Valparaiso has been to the NCAA tournament twice before this year. It was unable to advance beyond the first round. This year it is different. Valparaiso has now become only the second 13-seed in history to advance to the Sweet Sixteen. Their opening round win over the University of Mississippi last Friday was nothing short of inspiring.

For the six senior players who have fought hard to bring success to this team and this school, it was an amazing culmination of determination and perseverance that led to their victory. Bryce Drew's 3-point shot to win the game was reminiscent of the final scene in the movie "Hoosiers," in which a tiny high school team came together in the waning seconds to win the championship game against a much larger and more powerful foe.

After Valparaiso's second-round overtime win over Florida State on Sunday, coach Homer Drew said, "Only in America and only in the NCAA Tournament can you have the opportunity to go against the best athletes and the best programs in America. We beat two schools from the best conferences in America."

Coach Drew and his team have proven that hard work and persistence eventually lead to success. The coach has spent the last 10 seasons building the basketball program that exists today. His dedication to the success of the program and the success of his players merits recognition. In the last 6 years, he has seen 80 percent of his players graduate, a higher rate than the school has as a whole. Further, all six players on this year's team who are seniors are set to graduate. He has been a positive influence on his students, a model of sportsmanship on the sidelines, an example of the type of hard work that makes the people of Northwest Indiana great.

Not only has Valparaiso University continued to shine on the basketball court, but the school itself has a stellar academic record. Valparaiso has consistently ranked in the top 15 of regional universities, as published by U.S. News and World Report. This year, of the over 500 colleges listed, Valparaiso is ranked number two of the best universities in the Midwest, and Valparaiso's overall graduation rate of 72 percent makes them one of the best schools around.

I would like to wish Coach Drew and the Valparaiso Crusaders the best of luck for their game against the University of Rhode Island on Friday. This is an exciting time for the people I represent and for college basketball fans everywhere.

REMOVING U.S. ARMED FORCES FROM BOSNIA AND HERZEGOVINA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Texas (Mr. PAUL) is recognized during morning hour debates for 5 minutes.

Mr. PAUL. Mr. Speaker, I would like to draw to the attention of my colleagues two House concurrent resolutions that we will be voting on, one today and one tomorrow.

The one tomorrow is offered by the gentleman from California (Mr. CAMPBELL), which I think we should pay close attention to and, hopefully, support. This is H. Con. Res. 227. It is a concurrent resolution directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove United States Armed Forces from the Republic of Bosnia and Herzegovina.

The troops should never have been sent there in the first place. There was a lot of controversy. It was far from unanimous consent from the Congress to send the troops there. They were sent there in 1995, and they were to be there for 18 months, and each time we came upon a date for removing the troops, they were extended.

Currently, it is the President's position that the troops will stay indefinitely. He has not set a date, although the Congress has set a date for this June for all funding to be removed as of June and the troops should come home. This resolution more or less states that same position. I strongly favor this, and I believe that the Congress should send a strong message that we should not casually and carelessly send troops around the world to police the world. This is a good way for us to get into trouble.

Our national security is not threatened. There was no justification for our troops to be sent there. There are always good reasons, though, given because there are problems. Well, there are problems every place in the world. If we try to solve all the problems of the world, we would not have troops in a hundred countries like we have now, we would have them in three or four hundred countries. But it is true that we send troops with the most amount of pressure put upon us to do it.

There are certain countries, like in Rwanda, Africa, we certainly did not apply the same rules to that country as we do to Bosnia and the Persian Gulf and Iraq. We did not do this when we saw the mass killings in the Far East under Pol Pot.

So, under certain circumstances where there is political pressure made

by certain allies or by interests of oil, then we are likely to get involved. But the principle of a noninterventionism foreign policy should make certain that we, the Congress, never condone, never endorse, never promote the placement of troops around the world in harm's way because it is a good way for men to get killed and, for most purposes, the lives of our American soldiers are too valuable to be put into a situation where there is so much harm and danger.

Fortunately, there has been no American deaths in this region, but there is a good reason for those troops to come out. The peace has not been settled, though, there. It is not going to be. And our 16,000 or 20,000 troops that we have had there will not be able to maintain the peace as long as these warring factions exist. They have existed not for months, not for a few years, but literally for hundreds of years if not thousands of years people in this region have been fighting among themselves.

So it is not our responsibility. Yes, we can condemn the violence; and who would not? But does that justify the taxing of American citizens and imposing a threat to American lives by imposing and sending our troops to all these hot spots around the region?

So I strongly urge my fellow colleagues to look carefully at this resolution tomorrow and assume congressional responsibility. It is not the responsibility of the President to wage war, to put troops around the world. That is a congressional responsibility.

So although there has been no declaration of war, we are sitting ducks for a war to be started. So let us stop the war before it gets started.

I think we should strongly endorse this resolution and make sure these troops come home. It is interesting that there is a fair amount of support for this, and we obviously won the vote on this last year to say the troops should come home in June of this year. I suspect and hope that this will be restated, and there will be no excuse to extend their stay in this region.

But at the same time we win those kind of votes, and there is a strong sentiment here in the Congress when we are required to vote and there is certainly a strong sentiment among the American people that we ought to be dealing with our problems here at home, we ought not to assume the role of world policemen, and we ought to mind our own business, and we ought to be concerned about the sovereignty of the United States, rather than sending our troops around the world under the auspices of the United Nations and NATO and literally giving up our sovereignty to international bodies. We were very confused as to who was really in charge of foreign policy in Iraq, whether it was Kofi Annan or whether it was our President.

AGREEMENTS BETWEEN TELEVISION STATIONS AND POLICE

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, Tuesday, January 27, people in my hometown of Portland, Oregon, were stunned by a series of events that stem from a drug raid gone bad. In the midst of this episode, one Portland policewoman was killed, another seriously injured, and a third received more minor injuries.

Reflecting back on this episode, Mr. Speaker, there were two areas that gave great local concern.

One was an activity involved with the coverage, the live coverage of this event by local news helicopters on the raid and the concern on the part of some that this might have interfered with the police activities at that event, both in terms of providing interference, in terms of communication with the noise that was involved, the police direct communication, one with another, and the potential that it was possible for the gunman in this case to have used live television broadcasts to be able to monitor the events at the scene.

There was another area of great concern, and that was simply the firepower of this gunman. To say the least, it was disturbing that his private arsenal included a grenade launcher and numerous grenades, a crossbow with darts, a small arsenal of shotguns, rifles, handguns, hundreds of rounds of ammunition, including 100-round capacity magazine with 80 rounds inside.

That weapon actually used in the shooting was an SKS semiautomatic assault weapon. This weapon was powerful enough that the fatal bullet was fired through the front door, that it was possible that there were other bullets that went through the walls of the house and through both sides of police car parked outside.

The weapon in question was not on the 1994 Crime Control Bill of banned assault weapons, although that bill did prohibit the manufacture of ammunition and magazines of more than 10 rounds. However, high-capacity ammunition magazines manufactured prior to September of 1994 were exempted, with the expectation that the manufacturers would sell off the stockpiles within a few years.

Unfortunately, that 1994 ban allowed manufacturers to stockpile a seemingly unlimited supply of high-capacity ammunition magazines which are still being sold regularly today by manufacturers, wholesalers, and retailers, 3 years after that ban went into effect.

This is noteworthy because, although assault weapons account for a tiny fraction of the guns in private hands, they were used in over 13 percent of the 122 fatal law enforcement shootings that took place in a 21-month period in 1994 and 1995. Of those deaths, almost 20 percent involved high-capacity magazines.

When faced with tragedy of this nature as we faced in Portland, it is important to reflect on what we learn from these circumstances. That is the true story today. The positive changes were a result of reflection on this episode.

I am pleased that the local authorities and the news media came together to deal with an area of friction in the past to establish a voluntary agreement to be used in emergency situations in the future. This agreement will ensure a safe environment for our police, while guaranteeing that the public has an access to information.

The stations will no longer show live shots of special emergency reaction teams. They will keep helicopters a mile away and at least 1,000 feet in elevation to prevent disturbance with emergency police communication.

The police will provide a location as close as possible to the emergency event for a TV pool camera on the ground and to videotape the operation for later broadcast. The police in the communications activities with the stations have set up a special phone to give a direct link to the four local news stations.

This senseless killing served as a wake-up call for Portland. I think the model agreement that we have developed can serve as a model for other communities in the future.

I would ask my colleagues to reflect upon the situation that they may see in their community. Are there appropriate agreements in place between the news media and law enforcement in their hometowns?

It is clearly not Congress' role to have to legislate news coverage. It is, however, our role to do everything in our power to make sure that this never happens again. Congress does have a role in dealing with the trade, distribution of and availability of dangerous weapons; and I hope we will readdress this in the future.

I encourage my colleagues to learn from this Portland tragedy. To do so would mean that the sacrifice of Portland's finest will not have been in vain.

□ 1245

2000 CENSUS

The SPEAKER pro tempore (Mr. HOBSON). Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida (Mr. MILLER) is recognized during morning hour debates for 5 minutes.

Mr. MILLER of Florida. Mr. Speaker, I rise today to talk about the 2000 Census. I realize there are not many people

in Washington focused on that subject today or this week. While the country remains fixated on the problems engulfing the White House, the business of government must go on. The 2000 Census will be the largest peacetime mobilization ever undertaken by the Federal Government, and the planning must continue.

I want to begin by complimenting and thanking Acting Director James Holmes. Last week we were headed towards a confrontation over the issue of congressional access. Last night I received word from Mr. Holmes and we have resolved the issue. I think Mr. Holmes understands how seriously Congress takes its oversight responsibilities in regard to the census. Given all the controversy surrounding the methodology of the 2000 Census, the best way to proceed is to have an open relationship in the process of information gathering. Frankly, until Mr. Holmes arrived, the administration had a different view.

Mr. Speaker, we need cooperation between Congress and the administration because at the moment the 2000 Census is in serious trouble. I have said I believe we are headed towards a failed census. The Clinton administration, without the approval of the Congress, has designed the largest statistical experiment in U.S. history. The plan is multifaceted and complicated. If one element of the plan goes wrong, it can destroy the accuracy of the entire census. The plan depends on an unrealistic time line and if they do not meet the deadlines at each step, the plan could easily fall apart.

The Commerce Department's own Inspector General has called the plan risky. The Inspector General said in December, "We conclude that although the 2000 Census design is risky, the bureau's fundamental problem is that it simply may not have enough time to plan and implement a design that achieves its dual goals of containing cost and increasing accuracy." The Inspector General goes on to state, "Because this process is long, complex, and operating under a tight schedule, there will be many opportunities for operational and statistical errors."

I have a Ph.D. in statistics and marketing, so I understand clearly the operational risk of this plan. As a statistician, the administration plan raises too many red flags to move forward and spend $4 billion of taxpayers' money.

Let me try and give my colleagues a basic outline of this grand experiment. There are 60,000 census tracks in the United States. Each contains about 4,000 people. Under this new, untested theory, the administration wants to count only 90 percent of the people in each census track. That is unprecedented. For the first time in American history we will not attempt to count all Americans. First, they collect all the census forms returned by mail for each of the 60,000 census tracks. They hope to average about 67 percent response rate in each track. Then in each of these 60,000 tracks, they will randomly remove enough remaining addresses to add up to 10 percent of the total census track and then put them aside. Then they will do what is called a nonresponse follow-up with the homes not removed so they have actually counted 90 percent of the people in each track. Then they will conduct 60,000 simultaneous polls to estimate the other 10 percent in each census track.

This has never been tried before. The scope of this experiment is simply breathtaking. When you see a poll in the New York Times or CNN or USA Today the pollsters typically do one poll and survey 1,000 or so Americans. I saw a poll this morning that shows the President's approval ratings just went up again, which really has to make one question the accuracy of polling. But what this administration is talking about doing is 60,000 separate simultaneous polls at the same time. It has never been tried before and the potential for mistakes and errors is quite large.

That is just the beginning. After all this has been completed, they will conduct an extensive nationwide poll of 750,000 American households. This is done to adjust the figures in all 60,000 census tracks. Some tracks will be added to, some subtracted from, based on this poll of 750,000 households. This 750,000 survey is called the Integrated Coverage Measurement or ICM. The administration claims the ICM will increase accuracy. That is a huge theoretical leap of faith. The Commerce Inspector General says, "Because of its complexity, the ICM is highly vulnerable. In particular, the survey's magnitude, quality demands, and tight schedule all present serious challenges." He added, "Estimation associated with the ICM survey in particular faces lingering methodological questions." In other words, it is not at all clear that the experiment will increase accuracy at all. We need to work together and get the most accurate, best census we can for the year 2000, not test or try experiments.

SALUTING UNIVERSITY OF RHODE ISLAND MEN'S BASKETBALL TEAM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Rhode Island (Mr. WEYGAND) is recognized during morning hour debates for 3 minutes.

Mr. WEYGAND. Mr. Speaker, I rise this afternoon with great pride, because the smallest State in the country, Rhode Island, has one of the greatest basketball teams in the country, the University of Rhode Island. It won its game just two days ago against one of the powerhouses of this country, the University of Kansas, in an outstanding game that pitted a very small, some people would say even very slow, untalented basketball team against one of the giants. A team like Kansas, that had two first-team all-Americans, was unbeatable by the critics' viewpoint. Rhode Island did not have a chance. As a matter of fact, most of them did not think they had a chance against a smaller team called Murray State. But Rhode Island proved them wrong. They proved their critics wrong. More importantly, what they brought to our small State was great pride.

I am here this morning because as an alum of the University of Rhode Island, my daughter also an alumnus and my son a freshman, we could not be more happy. All of the people in the State of Rhode Island, all 1 million people, are ecstatic about what has happened. We have proven that small schools are still alive and doing well in the NCAA. We have proven that no matter what the odds may be, no matter how big the task may be, no matter how big the obstacle, even a small team in a small State can overcome those. We are extremely proud of our university, of all the things that they have become, but more importantly of their future. We look forward to Friday evening's basketball game against Valparaiso, and we join with our colleagues over there to have a celebration on Saturday morning when we celebrate the victory for the University of Rhode Island.

REGARDING THE INTERNATIONAL MONETARY FUND

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from New Jersey (Mr. SAXTON) is recognized during morning hour debates for 5 minutes.

Mr. SAXTON. Mr. Speaker, I wanted to speak to my colleagues about what I think is a very important issue. It involves the International Monetary Fund. That may be a dry issue to some. But when we consider that the International Monetary Fund today has available to it $36 billion of American money, of U.S. dollars, it is a rather sobering thought.

We have lots of needs for money in our country, and we have seen fit in a benevolent way to help others around the world with various economic situations to the tune of $36 billion. But what got my attention, and I hope has gotten Members' attention, is that the International Monetary Fund through Secretary Rubin, Secretary of the Treasury, has requested $18 billion more. The signs are that that is not all they want. If we put that in perspective over the last several decades, we have contributed $36 billion to the

IMF, and this year they are asking for $18 billion more. That is a 50 percent increase in what we have provided.

I guess the question is, is there even more to come? The issue of how much we contribute to the IMF is important. But there are other issues that are just as important, and that is questions involving how the money is used. I am not saying the money is used incorrectly, because it may very well be, but the fact of the matter is we do not know and we cannot find out, because the IMF operates in a cloak of secrecy.

Here around our government in Washington, D.C. and throughout the States, we learned decades ago that government works better when people can visualize what we are doing, when they have access to our process. The cloak of secrecy that surrounds the IMF and the reluctance or refusal of the Secretary of the Treasury and his staff to communicate with us relative to the activities of the IMF are something that needs to be changed. My experience in January and February of 1998 have revealed that there is a huge reluctance on the part of IMF officials and of the Treasury to come forth with information. In fact, they have refused on all but one occasion and when they finally agreed to permit certain information to come forward to the Joint Economic Committee, which I chair, they would have made us promise not to disclose it to anyone else. The very same cloak of secrecy would have been imposed upon us that we are trying to take away.

The issue of transparency with the IMF is extremely important. Number two, it is also important to recognize that the IMF loans at what we call, what I call, subsidized rates. In other words, while American taxpayers are paying 7 or 7½ percent interest for mortgages, the IMF loans money to high-risk foreign investors at less than 5 percent. In fact, in the last fiscal year, the IMF loaned 90 percent of its funds that it loaned at 4.7 percent. That is a subsidized rate. While auto loans in this country go for 9 percent to 10 percent interest, the IMF was loaning at 4.7 percent to 90 percent of its borrowers. And while credit card holders in this country pay 16 to 21 percent or greater, the IMF was loaning at 4.7 percent.

It is bad enough that these subsidized rates were being used, but even worse, Mr. Speaker, if we are going to provide these loans to people who get themselves in trouble economically, does it not just encourage people to make bad loans, to take high risks? Everyone who invests in this world, in this country or this world, takes some risk. In some cases you invest in a bank. If you invest in a bank in this country, Mr. Speaker, those loans are insured. That is a low risk. But if you want to take a speculative risk, if you want to take a big risk, go get something speculative to invest in.

□ 1300

If someone is standing there by you as a benefactor saying, if you get in trouble, I have a 4.7 percent loan for you, not a bad deal. In fact, if we went out on the street corner next to the Capitol building and set up shop and said, we are going to make loans at 4.7 percent, why, we would have a line stretching around the block. That is what the IMF effectively does.

So I have introduced H.R. 3331, which is a bill that would correct the use of these funds with American money, and I urge all Members to look at it.]

THE PRESIDENT SHOULD ANSWER QUESTIONS FULLY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Arizona (Mr. HAYWORTH) is recognized during morning hour debates for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, my colleagues, and those citizens who join us here in this chamber, and those citizens, Mr. Speaker, who join us electronically from coast to coast and beyond, I would commend to everyone's attention today the lead editorial in the Washington Post entitled, Ms. Willey's Story. Mr. Speaker, because this editorial is so important, I would like to read into the RECORD portions of the editorial, because I believe they make for compelling reading and offer a serious case to the American people.

When Newsweek magazine first reported allegations that President Clinton had groped Kathleen Willey in the White House, the President's lawyer, Robert Bennett, said his client had "no specific recollection of meeting Willey in the Oval Office."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HOBSON). The gentleman will suspend. The Chair would remind the gentleman that he should not refer to personal accusations against the President.

PARLIAMENTARY INQUIRY

Mr. HAYWORTH. Mr. Speaker, a point of parliamentary inquiry. Is it then against the rules to also read verbatim from an editorial in a widely circulated newspaper?

The SPEAKER pro tempore. Under the precedents, the fact that it may be in the public domain elsewhere does not mitigate the statement.

Mr. HAYWORTH. Well, I thank the Chair for the information, and I find it somewhat illuminating.

Be that as it may, that is an interesting point. For I am not here to call into question or impugn anyone's integrity, Mr. Speaker. However, there are compelling questions that confront the American people, and if duly constitutional elected Members of Congress, then, are asked to abridge or silence what is part of the public record, I would suggest perhaps that we need to review those rules even as I respect and adhere to the rules of the House.

Let me then simply read the conclusion of the editorial, which I hope will be found in concurrence with the rules of the House. I would commend to other sources the videotape that appeared on CBS on 60 Minutes, and I would commend to everyone in this Nation, Mr. Speaker, the words in this morning's Washington Post editorial. For the Post, which agrees with President Clinton on many policy decisions, today makes a very forthright point in concluding its editorial, and I will quote from the conclusion.

Ms. Willey's story adds to the critical mass of allegations the President now faces. They need to be answered not by drips and drabs of "recovered memory" or fancy legal wordplay or a public presentation of all Ms. Willey's failings. They just need to be answered."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would again remind the gentleman that those discussions are not appropriate at this time on the floor, pursuant to the rules of the House.

Mr. HAYWORTH. Mr. Speaker, reclaiming my time, I appreciate the rule of the Chair, but I believe it is important, Mr. Speaker, that the American people take a look at the serious situation confronting the executive branch and confronting us all. In that spirit, Mr. Speaker, I would simply refer to some comments made in history by a distinguished member of the other party and its one-time Presidential nominee, Senator Hubert Humphrey of Minnesota, who nearly a quarter of a century ago on the NBC telecast Meet The Press, when discussing another President confronting another difficult time, offered the advice that the President should answer the questions fully and completely, because the American people are forgiving people. It is in that spirit that I offer the same advice today, not for purposes of partisan tomfoolery, but because these questions cut to the very core of our constitutional Republic. Indeed, Mr. Speaker, it is difficult to rule or exercise moral leadership when there appears to be little moral authority.

So I offer these observations not to stand and offer contentions for the rules of the House, not to be provocative, but because the questions need answers. Mr. Speaker, in that vein, for the public good, not for partisan political points, I would simply ask this President, Mr. Speaker, to follow the advice that Hubert Humphrey offered nearly a quarter century ago. Because these issues transcend partisan politics, these issues need to be answered.

Mr. Speaker, I gladly yield my remaining time to my colleague the gentleman from Iowa (Mr. LATHAM).

TRIBUTE TO 185TH FIGHTER WING OF THE AIR NATIONAL GUARD

Mr. LATHAM. Mr. Speaker, I thank the gentleman from Arizona for yielding.

Mr. Speaker, I rise today to recognize the men and women of the Air National Guard's 185th Fighter Wing based out of Sioux City, Iowa.

Last week, members of the 185th began a month-long deployment to Kuwait to assist in the enforcement of the no-fly zone over Iraq. Each member of the 185th that is participating in this mission has volunteered for this duty. This nationally recognized group of men and women are among the finest of America's defenders and Siouxlanders are very proud to be recognized as their home base.

The 185th exemplifies the importance of Guard and Reserve units throughout this country in ensuring the readiness of our Nation's national defense. They are men and women who unselfishly take time away from their families and their civilian roles in defense of freedom.

In addition to the members of the 185th, I would also like to recognize the family members of the men and women who serve in Guard and Reserve units. Many times, the difficulty of their sacrifices of time away from their loved ones is not properly acknowledged. I want those families to know that we are praying for a successful mission for the 185th and for the safe return home of their loved ones. Again, I want to say we are praying for their safe return from Kuwait.

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 at 2 p.m.

PRAYER

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

At a time when there are great opportunities to do the works of justice and to show deeds of kindness, we pray for the spiritual energy to do our work and to be of service to every person. We pray, O gracious God, for a strong faith and for the enthusiasm to translate that faith into action; we pray for wisdom so that we will have the discernment to make good decisions; we pray for a spirit of hope and for the everlasting yearnings we have for a better Nation and a world at peace. So on this new day, O God, we are grateful for your daily blessings and for your wondrous gifts of grace. Amen.

THE JOURNAL

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

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

Mr. MARKEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

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

Mr. MARKEY. 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. 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. Will the gentleman from Massachusetts (Mr. MARKEY) come forward and lead the House in the Pledge of Allegiance.

Mr. MARKEY 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.

ELECTION OF HON. RICHARD K. ARMEY AS SPEAKER PRO TEMPORE ON TODAY

Mr. BOEHNER. Mr. Speaker, I offer a privileged resolution (H. Res. 386) electing the Honorable RICHARD K. ARMEY of Texas to act as Speaker pro tempore, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 386

Resolved, that the Honorable Richard K. Armey, a Representative from the State of Texas, be, and he is hereby, elected Speaker pro tempore on this day.

SEC. 2. The Clerk of the House shall notify the President and the Senate of the election of the Honorable Richard K. Armey as Speaker pro tempore during the absence of the Speaker.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SWEARING IN OF HON. RICHARD K. ARMEY AS SPEAKER PRO TEMPORE DURING ABSENCE OF THE SPEAKER

The SPEAKER. Will the gentleman from Texas (Mr. ARMEY) assume the chair and take the oath of office.

Mr. ARMEY took the oath of office administered to him by the Speaker, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

PALESTINIAN WARNS SETTLERS

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

Mr. PAPPAS. Mr. Speaker, in today's New York Times an article appeared entitled "Palestinian Warns Settlers," and it says that the Palestinian security chief in the West Bank warned Jewish settlers today that they would "not leave alive" if they tried to attack residents.

Mr. Speaker, we are in a very important time in the history of the State of Israel. Statements such as this certainly are not conducive to the peace process, and I certainly hope that in the future people in responsible positions such as this will not make these kinds of statements.

SLUSH FUND ACCOUNTABILITY

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

Mr. HOYER. Mr. Speaker, last year House Republicans created a $7.9 million reserve fund for unanticipated committee expenses. They always anticipated, of course, spending the money. What they could not anticipate was which partisan witch-hunts they would use it for.

This cash stash is nothing but a slush fund for GOP priorities. Committees cook up schemes; if the Speaker approves, the Committee on House Oversight rubber stamps, and money flows. There is no floor debate, no vote, and no accountability. Millions have been disbursed this way, and Republicans are now scheming how to spend the $4 million left in the fund.

I have introduced legislation, Mr. Speaker, requiring a House vote on future payouts from the slush fund. If Republicans want to waste public money on partisan witch-hunts, they

should have to debate and vote in public.

The majority loves to talk about accountability. Let us see if they can put the slush fund where their mouth is.

CHILD SURVIVAL

(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 the stories of a Kenyan doctor who describes the use of U.S. funded population control dollars in Africa. Dr. Stephen Karanja states, "Our health sector has collapsed. Thousands of Kenyan people will die of malaria whose treatment costs a few cents, in health facilities whose stores are stacked to the roof with millions of dollars worth of pills, IUDs, Norplant Depo-provera, most of which are supplied with American money."

He goes on to say, "Some of these contraceptives, like Depo-provera, cause terrible side effects to the poor people of Kenya, who do not even have competent medical check-ups before injection."

He continues, "A mother brought a child to me for pneumonia, but I had no penicillin to give the child. What I have in the stores are cases of contraceptives."

Colleagues, we should reexamine our spending priorities. We are overfunding family planning and underfunding child survival. We should focus our efforts on saving lives.

CARNAGE OF NAFTA GOES ON AND ON

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

Mr. TRAFICANT. Mr. Speaker, the carnage of NAFTA goes on. Thompson Electric is laying off a thousand workers and moving to Mexico. Bass Shoe Company is laying off 350 workers and moving to the Caribbean. Mitsubishi Electric is moving to Mexico. Matsui Battery is moving to Mexico. Kobe Steel is moving to Mexico. Sanyo Plastics is moving to Mexico. Divisions of Sony and Hitachi are moving to Mexico. Asahi Glass is moving to Mexico. And Fuji Electric is on their way to Mexico. And not to be left behind in America, Samsung of Korea is moving to Mexico.

Free trade, my assets. The American worker is getting screwed, and Uncle Sam is passing out cigars. Beam me up. If this is free trade, then I am a fashion leader.

EVERY YEAR IS THE SAME; TAX TAKERS ASK FOR MORE AND MORE FROM TAXPAYERS

(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, as our country becomes increasingly divided between taxpayers and tax takers, the taxpayers are starting to stand up and tell their Representatives in Washington that America will no longer be the land of opportunity if the current trend continues.

Just this month, USA Today had on page 1 a chart showing the rising tax burden on the taxpayers. And the most interesting thing about the chart was that the tax burden has been rising steadily year after year for all families. It is rising for families with one income; it is rising for families with two incomes.

Funny how those who claim it is harder and harder for middle-class families to get ahead never seem to mention that one of the biggest reasons might be the rising tax burden. Funny how they never tire in opposing tax cuts on the grounds of fairness, and they never seem to consider the fairness towards the people who pay the taxes that Uncle Sam takes, between one-quarter and one-third of a middle-class family's income.

Every year it is the same old thing, tax takers ask for more and more from taxpayers, and every year the taxpayers sacrifice a little more freedom and find a little less opportunity in return.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. STEARNS). The Chair reminds all persons in the gallery that they are here as guests of the House, and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

DEMOCRATS PROPOSE TO EXPAND MEDICARE COVERAGE FOR PEOPLE AGED 62 TO 64

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

Ms. DELAURO. Mr. Speaker, today in my home State of Connecticut there are over 30,000 people ages 55 to 64 who are uninsured; 1 in every 10 individuals in this age group. That is simply unacceptable.

Democrats have a plan to help vulnerable uninsured Americans between the ages of 55 and 64 obtain health coverage under the Medicare program. The Democratic proposal would make it possible for those who are near retirement age not to be wiped out by an illness because they do not have health coverage. The program would expand Medicare coverage for people ages 62 to 64, and displaced workers over 55 whose employers renege on their promise of retiree health benefits. The program is self-financed and would not cost the Medicare Trust Fund one dime.

Mr. Speaker, I urge my Republican colleagues to stop sending us home and start scheduling action on important issues like Medicare expansion. This proposal would be a significant and an important step toward ensuring that those who are near retirement age would not be without health coverage if they had a serious illness.

CONGRESS MUST NOT RETURN TO THE FAILED POLICIES OF THE PAST

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

Mr. GUTKNECHT. Mr. Speaker, for the first time in a generation, Congress will spend less than it takes in this year. We should take this good news with a dose of caution. I am afraid that President Clinton has a different opinion. With surpluses in sight, he has decided that the era of saying "the era of big government is over" is over.

In his budget, the President proposes 85 new government initiatives costing $150 billion over the next 5 years. He pays for these programs with $129 billion in new taxes and user fees, raising taxes to their highest level since 1945. Even worse than that, the Clinton budget falls out of balance next year and breaks the spending caps of last summer's balanced budget agreement by $69 billion.

The President's budget is built with higher taxes, deficit spending, bigger government and broken promises. My grandmother used to say, "If you always do what you have always done, you will always get what you have always got."

In 3 short years we have cut taxes, eliminated deficits and kept our promises. We must not now return to the failed policies of the past.

FRESHMAN CAMPAIGN FINANCE REFORM

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

Mr. ALLEN. Mr. Speaker, the Thompson report released last week has confirmed what we all know; that the integrity of our political system has been undermined by the influence of soft money.

The soft money loophole is the primary culprit for the abuses that Congress has spent millions of dollars to investigate. Through the soft money loophole, a single donor can give unlimited amounts of money to influence Federal elections. Soft money circumvents nearly a century of campaign finance law.

The bipartisan freshman task force set out to fix the major abuses of the current system. We put our differences aside and created a fair bipartisan campaign finance reform bill, H.R. 2183, the Bipartisan Campaign Integrity Act. It closes the soft money loophole, and it gets elected officials out of the business of raising $1 million special interest contributions. It is fair. It is bipartisan.

Mr. Speaker, the freshman bill must be allowed to come to the House floor without any poison pills. An antilabor bill is not bipartisan reform, it is a poison pill, and poison pills are used to kill campaign finance reform. Mr. Speaker, the freshmen deserve a vote on H.R. 2183.

□ 1415

FIGHT FOR COMPREHENSIVE TAX REFORM

(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, last week the Clinton administration gathered 40 lobbyists for a meeting at which the President urged them to publicly oppose our efforts to force changes in the current Tax Code by 2001. Realizing, of course, that working men and women in America are committed to idea of scrapping the current Tax Code, the President has now enlisted a group of spin doctors and Washington insiders to defend the status quo of our tax system.

Well, I have a better idea of how the President can spend his time. Instead of gathering D.C. lobbyists and spin masters, who make their living off the complexities of our Tax Code, the President should gather 40 hard-working taxpayers and let them voice their frustration and outrage over the Clinton system.

Mr. Speaker, the President would do well to simply listen to the horror stories from taxpayers about the abuse, intrusive and sometimes illegal acts committed by the IRS, rather than the lobbyists defending his Tax Code. Just such a meeting would convince the President to join rather than hinder our fight for comprehensive tax reform.

AMERICAN PEOPLE DESERVE TAX RELIEF

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

Mr. JONES. Mr. Speaker, today we are just 30 days away from the day of the year that many Americans dread the most, and that is April 15th. April 15th, as we all know, is tax day. That means that, as we speak, families, businesses throughout the Nation are filing through mountains of documents, forms, rules and regulations; and they are frustrated.

I know my constituents in eastern North Carolina are frustrated, along with people throughout this Nation. My constituents tell me they are having real problems with our complex and burdensome Tax Code. Of course they are. Because they are currently facing 480 different tax forms, the easiest of which, the 1040 EZ, has 33 pages of instructions, all in fine print.

The American people want, need and deserve tax relief. Just ask anyone who is preparing for April 15th. We owe the American people tax relief. I hope that in a bipartisan way we can work together to provide them with a fair, simpler tax system.

STANDING UP FOR WHAT IS RIGHT AND DECENT IN AMERICA

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

Mr. DUNCAN. Mr. Speaker, Senator DANIEL PATRICK MOYNIHAN said 2 or 3 years ago that we have been "defining deviancy down, accepting as a part of life what we once found repugnant." How true that is, and it is especially true when it comes to what we have been accepting in motion pictures and even into our homes through television and now the Internet.

That is why it was so pleasant to read the nationwide publicity about the vote last week by the Town Council of Tangier Island, Virginia. The Tangier Council voted 6 to 0 to not allow a Kevin Costner and Paul Newman movie to be filmed on the island. The council decided that there was just too much obscene language and too many scenes of an adult nature.

We have been warping the minds of our young people, Mr. Speaker, with so much that is indecent that we have almost lost the ability to be shocked anymore. This Nation would be a far better place if we had more people standing up for what is right, decent and good, as the Tangier Council did last week.

EXTRADITION OF JOANNE CHESIMARD

(Mr. FRANKS of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. FRANKS of New Jersey. Mr. Speaker, 25 years ago Joanne Chesimard gunned down two State Troopers on the New Jersey Turnpike. After hitting Trooper Werner Foerster with two shots in the chest, Chesimard grabbed his gun and fired two more bullets execution-style into his head. Six years later, after serving just 2 years of a life sentence for first-degree murder, she successfully broke out of prison.

Recently, I was shocked to turn on the evening news and see Joanne Chesimard a free woman, living the high life in Cuba. Fidel Castro is protecting this cold-blooded cop killer. There can and must be no safe haven for Joanne Chesimard.

Today, I am introducing a resolution which calls on the State Department to demand the extradition of Joanne Chesimard as a condition for any improvement in our relations with Cuba. I urge my colleagues to support this resolution. Insist that justice be served. Bring back Joanne Chesimard to the United States to spend the rest of her life behind bars.

HUMAN RIGHTS ABUSES IN CHINA

(Mrs. LINDA SMITH of Washington asked and was given permission to address the House for 1 minute.)

Mrs. LINDA SMITH of Washington. Mr. Speaker, last Friday, for the first time since the Tiananmen Square massacre, the Clinton administration decided not to sponsor a U.N. resolution condemning China's terrible human rights record. Why? Because China just hinted that they may release a few dissidents.

Let me tell my colleagues, this is not progress. For the people who still toil in slave labor camps in China, this is not progress. This is not protecting the thousands of people that are put in prison and then have their vital organs harvested like animals. This is not progress. But this is an administration that says we will have a national policy of trade without a conscience.

I want to tell my colleagues, the Americans I know everywhere I have gone have a conscience. So today I really appreciate the gentleman from New Jersey (Mr. SMITH) for having the courage to bring to the floor H.R. 364. This bill will send a strong message that America will not ignore the human rights abuses occurring each day in China or anywhere in the world.

U.N. GLOBAL CLIMATE ENVOY

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

Mr. KNOLLENBERG. Mr. Speaker, on a day when we are all trying to be green, I found an article in today's paper that disturbed my festive mood. It seems the UN's Global Climate envoy was in Washington yesterday bad-mouthing the United States Congress because we are asking the questions that President Clinton is refusing to ask about the Global Climate Treaty agreed to in Kyoto. He said the U.S. should perhaps get more in touch with the rest of the world and that this Congress is acting as if the rest of the world does not exist.

Now the President may want to blindly follow the UN and their global climate folies, but I and many others

are not ready to send our jobs overseas and our economy into the tank because the UN says we should. And if this treaty is so great, then how come China, India, and Mexico are not willing to commit to emissions reductions? On a day when I hope to be green, I am blue.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. STEARNS). 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 roll call votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules but not before 5 p.m. today.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION COMPLIANCE ASSISTANCE AUTHORIZATION ACT OF 1998

Mr. BALLENGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2864) to require the Secretary of Labor to establish a program under which employers may consult with State officials respecting compliance with occupational safety and health requirements, as amended.

The Clerk read as follows:

H.R. 2864

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 "Occupational Safety and Health Administration Compliance Assistance Authorization Act of 1998".

SEC. 2. COMPLIANCE ASSISTANCE PROGRAM.

Section 21 of the Occupational Safety and Health Act of 1970 is amended by adding at the end the following new subsection:

"(d)(1) The Secretary shall establish and support cooperative agreements with the States under which employers subject to this Act may consult with State personnel with respect to—

"(A) the application of occupational safety and health requirements under this Act or under State plans approved under section 18; and

"(B) voluntary efforts that employers may undertake to establish and maintain safe and healthful employment and places of employment.

Such agreements may provide, as a condition of receiving funds under such agreements, for contributions by States towards meeting the costs of such agreements.

"(2) Pursuant to such agreements the State shall provide on-site consultation at the employer's worksite to employers who request such assistance. The State may also provide other education and training programs for employers and employees in the State. The State shall ensure that on-site consultations conducted pursuant to such agreements include provision for the participation by employees.

"(3) Activities under this subsection shall be conducted independently of any enforcement activity. If an employer fails to take immediate action to eliminate employee exposure to an imminent danger identified in a consultation or fails to correct a serious hazard so identified within a reasonable time, a report shall be made to the appropriate enforcement authority for such action as is appropriate.

"(4) The Secretary shall, by regulation after notice and opportunity for comment, establish rules under which an employer—

"(A) which requests and undergoes an on-site consultative visit provided under this subsection,

"(B) which corrects the hazards that have been identified during the visit within the time frames established by the State and agrees to request a subsequent consultative visit if major changes in working conditions or work processes occur which introduce new hazards in the workplace, and

"(C) which is implementing procedures for regularly identifying and preventing hazards regulated under this Act and maintains appropriate involvement of, and training for, management and non-management employees in achieving safe and healthful working conditions,

may be exempt from an inspection (except an inspection requested under section 8(f) or an inspection to determine the cause of a workplace accident which resulted in the death of one or more employees or hospitalization for 3 or more employees) for a period of one year from the closing of the consultative visit.

"(5) A State shall provide worksite consultations under paragraph (2) at the request of an employer. Priority in scheduling such consultations shall be assigned to requests from small businesses which are in higher hazard industries or have the most hazardous conditions at issue in the request."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BALLENGER) and the gentleman from New York (Mr. Owens) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. BALLENGER).

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

Mr. Speaker, H.R. 2864 will amend the Occupational Safety and Health Act to provide specific statutory authorization and direction for consultation programs operated by States with the assistance of Federal funding and direction.

These programs have in fact been operating for over 20 years. In 1975, OSHA began entering into contracts with the States to provide enforcement consultations for small businesses. The authority which OSHA used for these contracts is the general contracting authority in section 7C(1) of the Occupational Safety and Health Act.

In recent years the small business community, State consultation programs and the Clinton administration have all supported amending the Occupational Safety and Health Act to add a specific authorization and direction for the on-site consultation programs. So I am pleased to be able to bring this bill to the House, with bipartisan support in our committee. And with the support of the Clinton administration.

I want to particularly thank the ranking member of the Subcommittee on Workforce Protections, Mr. OWENS, and the ranking member of the full committee, Mr. CLAY, for their willingness to work with us on this bill as well as the following bill. And also I want to thank Secretary of Labor Alexis Herman and Assistant Secretary for Occupational Safety and Health, Charles Jeffress, for their support of these bills.

Mr. Speaker, the consultation program allows employers, particularly small employers, with the opportunity to receive expert advice and compliance with OSHA standards and improving safety and health in their workplaces, without the adversarial temper and approach often associated with OSHA enforcement inspections.

I believe this program truly does implement the approach to safety and health which many of us have long supported: an OSHA program that offers assistance, rather than merely the threat of enforcement, to employers.

I have often said that it seems wrong to me that employers who want to improve their workplaces are afraid to call OSHA and ask for assistance. The consultation program is one program that allows and encourages employers to call OSHA and to get that assistance.

My own company in North Carolina has used the North Carolina OSHA consultation program; and, in fact, it was our experience with that North Carolina program that triggered my introduction of H.R. 2864. Under this program, an employer invites the OSHA consultation service into the workplace, and the consultant works with the employer in identifying any violations of OSHA standards and hazards.

If the employer fixes those items within a reasonable time, then there is no enforcement action connected to it. Under H.R. 2864, an employer who meets certain listed criteria may also be exempt from some inspections for 1 year.

I believe the program fills a real need. Unfortunately, it has not been well enough known, nor has it received enough funding, to fulfill that need. So I hope that recognizing the program in this statute is the first step in making it more widely known and increasing in its availability.

This bill along with the following bill are small but I think significant steps in bringing about change to the way in which OSHA carries out the role of protecting and promoting worker safety and health.

Again, I want to express my appreciation to the gentleman from New York (Mr. OWENS) for working out the legislation. Even though we were basically following the current program,

there were still a few issues that we had to resolve, and I appreciate his willingness to do so.

It is my hope that with the bipartisan effort and support for these bills that the Senate will move quickly and cleanly as well. There are a lot of other issues related to OSHA that we need to plan and deal with, but I hope that these bills do not become entangled in other issues.

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 express my appreciation to the gentleman from North Carolina (Mr. BALLENGER), Chairman of the Subcommittee on Workforce Protections, for his willingness to work with me on this legislation. I believe the bill before us will further the safety and health of workers, and I am pleased to support its passage.

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

Mr. BALLENGER. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GOODLING), Chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, I thank the gentleman from North Carolina for yielding me this time.

Mr. Speaker, I want to express my support for the two bills amending the Occupation Safety and Health Act that are on the suspension calendar today.

I want to particularly commend the gentleman from North Carolina (Mr. BALLENGER), the Chairman of the Subcommittee on Workforce Protection, for his work on these bills and for his leadership on matters related to OSHA.

Also, I want to commend the gentleman from North Carolina along with the gentleman from New York, the ranking member of the Subcommittee on Workforce Protection, for being able to bring not one but two bills dealing with OSHA to the floor with bipartisan support.

I would note that both bills are supported by the Clinton administration as well as by the National Federation of Business, the Chamber of Congress and the Coalition on Occupational Safety and Health and other organizations. That is a rather remarkable convergence of support, particularly for bills amending the Occupational Safety and Health Act.

Mr. Speaker, these two bills are small but important steps in bringing about change to the way OSHA carries out its role in protecting worker safety and health. They help move OSHA towards a more cooperative, less confrontational approach.

H.R. 2864 requires OSHA to provide work-site consultations to employers, particularly small employers, who request the consultation. These consultations will be provided through State agencies or public colleges or universities.

H.R. 2864 in effect codifies the consultation program from OSHA that began in the 1970s and which has provided thousands of small businesses with expert advice and assistance in providing a safer workplace for their employees and compliance with OSHA standards.

I know that in my own State, the consultation program has been extremely effective in reaching out to small businesses and working with them to improve safety and health. The biggest problem with the program has been lack of resources; and we hope that, by specifically recognizing consultation services in the statute, that we will bring additional recognition and resources to the program.

□ 1430

H.R. 2877 prohibits OSHA from using enforcement measures such as number of citations issued or penalties assessed to evaluate OSHA inspectors. It addresses the reality as well as the perception that OSHA inspectors often care less about worker safety than meeting quotas for citations and penalties. The former director of OSHA has acknowledged that past policy of the agency was in fact to use numbers of citations issued and penalties assessed as performance measures. As a matter of official policy, OSHA says it no longer uses these as performance measures. H.R. 2877 makes this policy permanent and also reflects our intention that OSHA's primary focus is not issuing citations and levying fines, but rather promoting safety and health for all American workers.

Mr. OWENS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. KLINK).

Mr. KLINK. Mr. Speaker, I thank the gentleman for yielding me this time. I cannot tell my colleagues how pleased I am that this legislation, in fact both bills that come to the floor today are here. I want to commend and thank my former colleagues on the Committee on Education for this legislation, especially the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from North Carolina (Mr. BALLENGER) and the gentleman from New York (Mr. OWENS). As far back as I remember when I had the pleasure and honor and distinction of serving on this committee back in the 103rd Congress, we wrangled with the whole idea of OSHA reform. We did not quite get the whole OSHA reform package together, but I am very pleased that the committee now has moved this bill and the bill to come after this that really make common sense bipartisan changes to the OSHA Act. This committee and the House really do themselves proud when they act in a common sense, bipartisan fashion to correct these issues.

Mr. Speaker, H.R. 2864 is good legislation, it follows the old adage that an ounce of prevention is worth a pound of cure. This bill will authorize OSHA's compliance assistance program, which has been in operation since the mid-1970s and for 23 years it has been working well. I think we should not only be authorizing this program, but expanding it because this program would help companies avoid problems with OSHA and at the same time make the workplace safer for workers.

An employer can ask a State consultant to review their work site for OSHA violations as long as the employer agrees to correct any hazards. Even better, a company that participates in the compliance assistance program then can be exempted from regular OSHA inspections for a year if they implement hazard prevention procedures and provide for safety training for management and for employees. I wish that more companies had the ability to take advantage of this.

One such plant in my district was recently visited in a random OSHA inspection. I do not know if this bill would have helped them or not and I do not know if the person who visited from OSHA was on a quota, but what ended up happening is a lot of picayune things were found, the company was fined $10,000, called Rijnstaal USA, and they are owned by a foreign entity. Now the foreign entity is taking a look at perhaps moving this plant out of Arnold, Pennsylvania to Southeast Asia because they think that OSHA has been picking on them, that they have not had an opportunity to go in and correct some of these small problems. In a case like that, who would win? Certainly the Federal Government would not win, we would get less tax dollars, less of our people would be working and paying dollars. Jobs and opportunities are lost to the community. Taxpayers lose. The employees of this company would lose. The only people that would gain would be whatever region of Southeast Asia would get this company.

We must take a more common sense approach, and these two bills today really begin to do that. My colleagues on the committee are to be lauded for their efforts. Mr. Speaker, I think this bill is a fine example of both labor-management cooperation and bipartisan legislating. I urge my colleagues to support it.

Mr. OWENS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BALLENGER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from North Carolina (Mr. BALLENGER) that the House suspend the rules and pass the bill, H.R. 2864, 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.

AMENDING OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

Mr. BALLENGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2877) to amend the Occupational Safety and Health Act of 1970, as amended.

The Clerk read as follows:

H.R. 2877

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INSPECTIONS.

Section 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657) is amended by adding at the end the following:

"(h) The Secretary shall not use the results of enforcement activities, such as the number of citations issued or penalties assessed, to evaluate employees directly involved in enforcement activities under this Act or to impose quotas or goals with regard to the results of such activities.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BALLENGER) and the gentleman from New York (Mr. OWENS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. BALLENGER).

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

Mr. Speaker, H.R. 2877 amends the Occupational Safety and Health Act to prohibit the use of enforcement measures, such as numbers of citations and penalties, for evaluating OSHA compliance officers.

Mr. Speaker, few other Federal agencies have had the negative reputation among employers, hardly ever anybody with the reputation of OSHA. There are certainly those who would say that this attitude simply reflects the employer's lack of concern for the health and safety of their employees. As a businessman, I do not believe that myself. Instead, I think the problem has been with OSHA. I would note my agreement with the statement made by Vice President GORE that he made to hundreds of small business owners and representatives in 1995 at the White House Conference on Small Business, where he said,

I know that OSHA has been the subject of more small business complaints than any other agency. And I know that it is not because you don't care about keeping your workers safe. It is because the rules are too rigid and the inspections are often adversarial.

I would add one more reason to those stated by the Vice President: OSHA's longtime practice of evaluating its overall performance and the performance of its compliance personnel, the only people from OSHA that most employers and employees ever actually deal with, primarily on the basis of their enforcement numbers. Employers are justifiably outraged and resentful of an agency when its inspectors are primarily interested in finding violations so that they look good to their superiors.

A couple of years ago the deputy administrator of OSHA who had spent his career with the agency made the observation that:

OSHA for the past 25 years has basically done business the same way. Congress gave us the money and we gave them the inspections. We finally realized that the number of inspections doesn't change the behavior of anyone and listened to employers who complained that the violations OSHA cited didn't relate to illness and injuries.

I might add that that realization by OSHA came about the same time that we in Congress began trying to refocus OSHA away from enforcement as its primary purpose and goal. Today we take a small step toward correcting history and the practice of OSHA. H.R. 2877 amends the Occupational Safety and Health Act to prohibit the use of enforcement measures, such as number of citations or amount of penalties, to evaluate OSHA personnel. It also prohibits the use of such enforcement measures as goals or quotas. More broadly, this bill is intended to direct OSHA's focus towards promoting safety rather than viewing its goal and purpose as penalizing employers.

I want to express again my appreciation to the gentleman from New York (Mr. OWENS), the ranking member of the subcommittee, and the gentleman from Missouri (Mr. CLAY), the ranking member of the full committee, as well as the gentleman from Pennsylvania (Mr. GOODLING), the chairman, for their support of this bill, and also to the Secretary of Labor and the Assistant Secretary for Occupational Safety and Health, who have also expressed support for this bill.

As I noted earlier, the problem of evaluating OSHA personnel by the number of citations issued has not been confined to either Republican or Democrat administrations. It did, however, become particularly obvious when the Clinton administration in its first 2 years set agencywide goals of increased citations and penalties. Inspectors openly spoke to employees about having to issue citations in order to meet their quotas. I think few actions have undercut the agency's credibility as a safety and health agency more than that. To its credit the Clinton administration has taken steps to reverse this course. The previous and current administrators of OSHA have taken steps to remove the most blatant uses of citations and penalties to evaluate employees. Officially citations and penalties are no longer used as a performance measure. This was one of the steps taken as part of OSHA's reinvention by the Clinton administration. I certainly think it is a step in the right direction and one that I strongly supported. Nonetheless, we continue to hear complaints both from employers and from compliance personnel.

Just recently, for example, compliance officers in one region were given benchmarks by which their performance was judged. Those benchmarks included such things as numbers of citations per inspection and percentage of serious versus nonserious violations. This legislation is needed for several reasons: first, to make sure that the current official policy of the agency is continued; second, to make clear to everyone throughout OSHA that the use of enforcement measures to evaluate compliance personnel is not permitted; third, to assure not only OSHA personnel but also employers and employees that OSHA's primary purpose is not citing and fining employers but in promoting safer jobs.

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

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

Mr. Speaker, again I want to thank the gentleman from North Carolina (Mr. BALLENGER), the chairman of the Subcommittee on Workforce Protections, for his willingness to work with me on this legislation. I fully concur in the gentleman's view that OSHA should not adopt work performance measures that can serve to bias the inspection process. The Clinton administration also strongly shares this view.

I do want to take this time to congratulate the administration and the workers at OSHA. There are few agencies that have such life and death responsibilities as OSHA. We must remember that last year more than 6,000 workers died on the job and nearly 60,000 were injured on the job. The work at OSHA remains very important and will go on. I think we should understand the difficulties that the OSHA inspectors face in respect to the inconvenience of employers versus the protection of the health and safety of employees. I therefore support H.R. 2877 and urge its adoption.

Mr. ROEMER. Mr. Speaker, I would like to voice my support today for H.R. 2877 and H.R. 2864. Both of these are encouraging examples of meaningful bipartisan reform that are enabling the agency to move from an adversarial relationship with employers to a cooperative one.

The common sense changes in H.R. 2877 assure that inspectors do not have to ever exaggerate the number or severity of violations they might find in work site inspections. It does so without compromising the safety of workers and without losing managerial control of the agency.

H.R. 2864 works to partner state consultation programs with businesses who seek advice on OSHA compliance. It is a great example of how OSHA can proactively cooperate with employers to correct problems without unnecessary fines before they cause injury or

cost a life. It also focuses on small businesses in hazardous industries that may not be able to afford full-time safety managers or expensive consultants.

In the spirit of these effective and bipartisan measures, I plan on introducing a bill that helps solve a problem that some employers are having maintaining their Material Safety Data Sheets as mandated by OSHA. By allowing electronic access to these records, standardizing the format, and setting a comprehensible reading level, I hope to increase worker safety while lowering costs and headaches for small businessmen.

Again, these are excellent bills, and I wish to offer my utmost support. I encourage my colleagues to do the same.

Mr. UNDERWOOD. Mr. Speaker, I rise in support of H.R. 2877. "Safety First," is a catchphrase known to many of us. Although, often disregarded, the virtue and benefits of this policy are universally recognized, accepted and appreciated. The concept of safety has attracted so huge a following that eventually it was decided that everyone should follow and live by its precepts. Later, we even came up with legal definitions. However, as most well-meaning folks have done before, we may have gone overboard by selectively imposing this concept and designating some a few unfortunate entities to suffer the consequences for everyone. A scheme was even devised so that we can collect money from those who deviated from our mandates. This bring us to question whether safety is really the first priority.

H.R. 2877 prohibits the Labor Department and the Occupational Safety and Health Administration (OSHA) from using results of enforcement activity, such as numbers of citations issued and penalties assessed, to evaluate employees directly involved in OSHA enforcement activities. In addition, this bill would prohibit OSHA from imposing quotas or goals for citations or penalties on its inspectors.

Coming from the island of Guam, I am no stranger to complaints of unfair treatment by Federal officials. OSHA issues have generated their fair share of attention on the island. Contractors of Guam feel that they are being singled out by OSHA inspectors. Figures show that 85% to 90% of the Administration's inspection resources for our region was spent on Guam although we had the lowest fatality rates and some of the lowest injury rates of Region IX.

Consistency in OSHA's definitions also come to question. OSHA has stated that increased inspection activity in our area is due to the presence of high hazard industries. However, nowhere else are labor camps listed as high hazard industries. Innovative programs and approaches such as Voluntary Programs and "Quick Fix" Programs have not been made available to Guam. It has also been brought to my attention that as of May 1997, OSHA Enforcement officers have been stripped of all authority except to conduct selected inspections.

H.R. 2877's provisions would not solve all of the world's problems. However, if OSHA's inspectors do not have to worry about quotas, we can greatly reduce unfair citations and fines. Safety first; fines only if necessary; and quotas . . . quotas are not at all necessary. I urge my colleagues to support H.R. 2877.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BALLENGER) that the House suspend the rules and pass the bill, H.R. 2877, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BALLENGER. 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. 2864 and on H.R. 2877.

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

There was no objection.

AUTHORIZING USE OF CAPITOL GROUNDS FOR BREAST CANCER SURVIVORS EVENT

Mr. KIM. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 238) authorizing the use of the Capitol Grounds for a breast cancer survivors event sponsored by the National Race for the Cure, as amended.

The Clerk read as follows:

H. CON. RES. 238

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF BREAST CANCER SURVIVORS EVENT ON CAPITOL GROUNDS.

The National Race for the Cure (referred to in this resolution as the "Race") may sponsor a public event on the Capitol Grounds on April 1, 1998, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate.

SEC. 2. CONDITIONS.

(a) IN GENERAL.—The event to be carried out under this resolution shall be—

(1) free of admission charge to the public; and

(2) arranged not to interfere with the needs of Congress and under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) RESPONSIBILITY.—The Race shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Race may erect upon the Capitol Grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, commemorative pink ribbon, and other related structures and equipment as may be required for the event to be carried out under this resolution.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board may make any such additional arrangements that may be required to carry out the event under this resolution.

SEC. 5. APPLICABILITY OF PROHIBITIONS.

Nothing in this resolution may be construed to waive the applicability of the prohibitions established by section 4 of the Act of July 31, 1946 (Chapter 707; 60 Stat. 718), concerning sales, displays, and solicitations on the Capitol Grounds.

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

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

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

Mr. Speaker, House Concurrent Resolution 238, as amended, authorizes the use of the Capitol Grounds by the National Race for the Cure to host an event on the morning of Wednesday, April 1, 1998. This event is a tribute to breast cancer survivors and will be free of charge and open to the public. Furthermore, it will not interfere with the needs of Congress.

This Survivors Day event is intended to raise the awareness of breast cancer and emphasize the importance of education and early detection on a national level. The sponsor will assume full responsibility for all expenses and liabilities relating to the event.

□ 1445

In addition, all of the arrangements will be overseen by the Architect of the Capitol and the Capitol Police Board.

The sponsor intends to erect a stage and a 50- to 75-foot pink ribbon, the commemorative symbol of breast cancer awareness, and sound amplification equipment.

In addition, in order to satisfy the concerns regarding fund-raising activities, the amendment clarifies that this event will not involve any fund-raising activities, as this is a prohibited use of the Capitol grounds pursuant to title 40, section 193 of the United States Code.

Mr. Speaker, breast cancer strikes 1 out of 8 American women and is the leading cause of death for women between the ages of 35 and 54. Early detection is known to provide the best chances of survival from this disease. This event will lend support to all survivors of breast cancer and demonstrate our commitment to the complete eradication of the disease.

In conclusion, I wish to congratulate the gentleman from New York (Mr. SOLOMON), the Chairman of the Committee on Rules who sponsored this resolution, and the gentleman from Texas (Mr. BENTSEN), whose wife Tamra is a private organizer of this event.

I support this resolution and urge my colleagues to support it.

Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding me this time. They are waiting upstairs for a quorum, and I have to get back up there.

Mr. Speaker, on behalf of Senator CONNIE MACK, the gentleman from Texas (Mr. BENTSEN) and myself, I introduced House Concurrent Resolution 238. I want to say what an honor and privilege it has been to work with the distinguished Senator from Florida, CONNIE MACK, and his wife Priscilla on this very, very important initiative.

I want to thank the Chairman of the Subcommittee on Public Buildings and Economic Development, the gentleman from California (Mr. KIM), and of course the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), my good friend, as well for the opportunity to speak on this issue here this morning.

Mr. Speaker, this a humble resolution. It simply authorizes the use of the Capitol grounds for an event on April 1st which will honor breast cancer survivors sponsored by the nationally recognized Race for the Cure.

Mr. Speaker, the statistics are staggering. Breast cancer strikes 1 in 8 women, as my good friend, the gentleman from California (Mr. KIM) has said, and is the leading cause of death for women between the ages of 20 and 54. Today, there are 2.6 million women living with breast cancer in the United States. No woman is immune from the disease, and sadly, over 180,000 new cases will be diagnosed this year alone. In my home State of New York, nearly 14,000 women will be diagnosed with breast cancer this year.

Mr. Speaker, early detection is the key to winning the battle against breast cancer. We now know that regular mammography screenings with prompt treatment could result in one-third fewer deaths. The bad news is that only one-third of women follow the recommended screening guidelines.

That is why we are here today, to authorize the use of the Capitol grounds to highlight the importance of education and early detection on a national level by celebrating survivors of breast cancer and enhancing public awareness of this devastating disease.

Mr. Speaker, life is an incredible gift, and having survived a battle against cancer myself on 2 occasions in the past 4 years, I just want to urge everyone to come over here and pay tribute to these women and pass this bill today.

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

I am obviously very strong in support of the pending resolution, and I thank the Chair of the subcommittee for moving this legislation through so expeditiously, and the Chairman of the Committee on Rules for his very thoughtful words in support of an issue that is very special to me.

Mr. Speaker, I bring a personal perspective as well as a legislative perspective to this issue. The nationally established Race for the Cure has done an enormous amount of good in education and in publicizing an issue nationally that until the early 1980s was one that sort of stood in the closet. Until that time, it was difficult for most people to say in a public setting the word breast, and then to associate it with cancer. But along about the early 1980s, this disease came to be of epidemic proportions.

The Race for the Cure has brought this issue home to people of all walks of life all across the country, educating women to the need for self-examination, regular visits with a physician, regular mammographies for women of certain age, for women with a family history of breast cancer, for women with a family history of breast cancer and whose first child was born after the age of 30. And as women became better informed, as the terms entered our national lexicon, there have been enormous benefits. The Race for the Cure has raised dollars for cancer research, but more importantly, it has raised consciousness and awareness and the information level and the understanding level.

When my wife Jo detected the lump in her breast and it was confirmed as malignant, and she had a mastectomy, followed by chemotherapy. The issue crashed in upon the Oberstar family. I was serving on the Committee on the Budget at the time, and I, for the first time, must shamefully admit, took a look at the number for breast cancer research. It was $35 million in 1983. It is now well over $500 million. I am pleased to say that I have had some role in moving it along in that direction, but there were lots of others who participated and made it happen.

In the 8 years that Jo struggled with breast cancer, the ups and downs, the pain of treatment, the pain that our children felt as they lost the participation of their mother to an ever-increasing level of inability to function fully as a human being, but still with a great heart, with enormous love and great support for the children, to the degree that she could, in that period of 8 years, 300,000 women died of breast cancer.

Annually, more women died in the 1980s of breast cancer than men and women died in the Vietnam War over 10 years. In the decade since the second round of onset of spread and metastasis of that disease in her body, 420,000 women have died of breast cancer.

Research has been effective in opening new avenues of treatment, much earlier detection, much better treatment and care of breast cancer victims, but we are still a long way, we are not even halfway home; we are a long way from even seeing avenues to a cure, let alone truly effective treatments.

The work that we do and activities like Race for the Cure does do something of extreme importance, and that is to bring home to women the importance of early detection, regular checkups. The earlier one detects the disease, the better chance one has of surviving.

Our three daughters understand this all very well. Their mother had breast cancer; their grandmother had breast cancer. They are at some level of risk. But they have more at their disposal than their mother had. They know how early this disease can strike. They know that they need regular checkups. They know how quickly to act, and we want that kind of information brought home to women all across America. And the Race for the Cure is a way to do that.

No longer should generations of mothers, cornerstone of humanity, worry, wonder, live in fear, sometimes terrifying fear, that they, too, may become victims.

I applaud those who have organized in State after State across the country the Race for the Cure with the contribution they are making to future generations of women who can live more hopefully than did women of my wife's generation. The race may not be for a cure, but it has that objective in mind, and we must keep hope alive and keep research going and keep early detection and treatment nurtured by the benefits of this initiative.

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

Mr. OBERSTAR. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding to me. The gentleman has spoken movingly of his own personal experience, one that I remember when it occurred. In doing so, I think he speaks for many Members of this House, who in one fashion or another have had family members to experience this disease. And in this respect, Mr. Speaker, I think that the Members of this House are truly representative of the American people, because this frightening disease is one that knows no group of any kind and is spread throughout the society. So it makes great sense that on the people's grounds we would grant an exception and allow a tribute to be held here in connection with the Race for the Cure.

So I strongly support this resolution that would allow the use of the Capitol grounds for the so-called Capitol tribute to breast cancer survivors, and I do so in two capacities, or perhaps three, not only as a member of Congress, but as the cochair of the Congressional Women's Caucus, 50 Members strong, who all of us across party lines strongly support this resolution, and, of course, as the Member representing the Nation's Capital, which is proud and

pleased to have this tribute take place in this city.

I support this resolution for a special reason. I believe these events have made a tremendous difference. The gentleman from Minnesota (Mr. OBERSTAR) spoke about the need to raise consciousness. It is raising awareness that is saving lives. It is raising awareness that has sent women of every racial group and income group in huge numbers now to take advantage of mammography.

What is most encouraging to me is to see how mammography has spread across all the discernible lines, and that could simply not have happened except for a very much elevated consciousness. We would not have poor women and women of color going to get their mammograms by the hundreds of thousands as we do today were it not for events like this that did perform the simple agent of raising consciousness.

The Women's Caucus takes special note of this resolution and especially supports it. Breast cancer was long an underfunded disease spreading at frightening rates throughout our society, and the Women's Caucus years ago took it as its own special mission and obligation to see to it that funding was increased for the eradication of breast cancer.

□ 1500

Funding matters and raising consciousness matters. I think we see that in the figures that were reported on March 13, that in the first 5 years of the 1990s the annual number of new cases for cancer of all kinds fell steadily, and this happened among men and women of all ethnic groups and most age groups.

I was particularly heartened that this downward trend for cancer was noted among several specific kinds of cancer: lung, prostate, colon or rectal and, yes, breast cancer.

This is, of course, as we might imagine, Mr. Speaker, the most frightening form of cancer for women. Perhaps it is not the most devastating, but it just as well may be, because it attacks the mind and the spirit with special viciousness, even as it is attacking the body.

Among women, breast cancer has declined for whites, and it has declined for Asians and for Hispanics. But during those years, 1990 to 1995, it rose for blacks. This rise for one group and the continuing numbers of women who get breast cancer of course takes away from the very hopeful statistics that are beginning to be reported. Breast cancer is the second leading cause of cancer deaths to American women, second only to lung cancer. It is the leading cause of cancer death among women ages 40 to 55.

Mr. Speaker, those are the ages when women are finally done with child-rearing, can come forward and blossom fully; and to have cancer occur at those prime years is simply intolerable. Even with the more hopeful statistics, even with the access to mammograms we now see across all groups in the society, 44,000 women died from breast cancer in 1997 and 180,000 new cases of the disease were diagnosed. We can do much better than that. We can do better than that not so much by curing cancer with some magic potion but by preventing cancer and by detecting cancer early with mammograms.

I greet this activity on the part of the Race for the Cure. I think it is most appropriate for the Congress to show its special concern beyond our funding, beyond the leadership of the Women's Caucus, by opening up this place, these grounds, for this special tribute. The Race for the Cure is a joyful event. There will be many breast cancer survivors participating, but it must reminded us that the Race for the Cure is still a race to be won.

Mr. KIM. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. GILMAN), Chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I am pleased to rise in strong support of this measure. The National Race for the Cure has had a major impact upon our Nation. Last year, as I recall, there was a postage stamp dedicated to the Race for the Cure, just to emphasize how important this national program is. It raises millions and millions of dollars each year, and there is no better place to show leadership for the national Race for the Cure than here in our Nation's capital.

I know many of our congressional spouses, including my own, are very actively involved in the National Race for the Cure, because they feel very strongly about the impact upon women. It is for that reason I am pleased to rise in support of this measure, and I hope our colleagues give it full support.

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

Mr. Speaker, from time to time I have raised questions about various events proposed for the Capitol grounds, some of which I have thought were inappropriate or limited to a very narrow interest group. This event, the National Race for the Cure, to be held on April 1, is a broadly-inclusive event, one in which a wide range of people participate. It does not serve a special interest, it serves all interests. It is certainly in the category, in my classification, of those kinds of events that are appropriate for the grounds of our Nation's Capitol.

Mr. Speaker, the event that we will authorize by this resolution will, again, contribute to continued public understanding and awareness of breast cancer, I should mention, not only for women but also for men. While some 178,000 cases are expected by the National Cancer Institute to be diagnosed in women this year, also some 1,600 of breast cancer in men will be diagnosed this year. That is about an average number. It is much less a threat to men's health than breast cancer is to women's health, but it should be noted for the record that men are not immune, either, from this dread disease.

While there has been an improvement in the detection rate, about a 4 percent decline in detection of breast cancers or incidents, I should say, of breast cancer, that is minuscule. It is a movement in the right direction, but it is minuscule. It shows how large the task is ahead of us.

Let us engage in this event, participate, give it our moral support, give it our physical support, not only here in the Nation's capital but throughout the country in our respective States, so that the greater awareness, the increased research that is undertaken year after year and focused on this disease will mean for future generations of young women that they will not have to wonder and worry about a fate that befell their mothers and grandmothers; that hopefully the day will come when there really is a cure and the race will be over.

Mrs. MORELLA. Mr. Speaker, I am pleased to rise in strong support of this bipartisan resolution authorizing the use of the Capitol Grounds for a Breast Cancer Survivors Event Sponsored by the National Race for the Cure.

While we have made progress in mounting an aggressive federal attack on breast cancer and the tragedy it causes, we still have far to go. Women continue to face a 1 in 8 chance of developing breast cancer during their lifetimes. It remains the most frequent major cancer in women and the second leading cause of cancer deaths among women. Last year, an estimated 182,000 women were diagnosed with breast cancer and 46,000 died of the disease.

We must increase our investment in breast cancer research. We know very little about how to prevent the disease and treatment options are few. At least two-thirds of breast cancers occur in women with no known risk factors.

Just last weekend, I was honored to present a leadership award to Nancy Brinker, who established the Susan Komen Breast Cancer Foundation and who created the Race for the Cure. This event has become the nation's largest 5K series held in a record 86 cities throughout the United States in 1998.

It is most appropriate that this House approve the use of our nation's Capitol for this important event, and take this opportunity to redouble our efforts to eradicate breast cancer.

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

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

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from

California (Mr. KIM) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 238, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 238.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2870, TROPICAL FOREST CONSERVATION ACT OF 1998

Mr. SOLOMON (during consideration of H. Con. Res. 238), from the Committee on Rules, submitted a privileged report (Rept. No. 105–449) on the resolution (H. Res. 388) providing for the consideration of the bill (H. R. 2870) to amend the Foreign Assistance Act of 1961 to facilitate protection of tropical forests through debt reduction with developing countries with tropical forests, which was referred to the House Calendar and ordered to be printed.

URGING RESOLUTION ON HUMAN RIGHTS SITUATION IN PEOPLE'S REPUBLIC OF CHINA

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 364) urging the introduction and passage of a resolution on the human rights situation in the People's Republic of China at the 54th session of the United Nations Commission on Human Rights, as amended.

The Clerk read as follows:

H. RES. 364

Whereas the State Department's Country Reports on Human Rights Practices for 1997 state that "[t]he Government [of China] continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms," including extra judicial killings, the use of torture, arbitrary arrest and detention, forced abortion and sterilization, the sale of organs from executed prisoners, and tight control over the exercise of the rights of freedom of speech, press, and religion;

Whereas, according to the State Department, "Serious human rights abuses persisted in minority areas [controlled by the Government of China], including Tibet and Xinjiang [East Turkestan], where tight controls on religion and other fundamental freedoms continued and, in some cases, intensified [during 1997]";

Whereas, according to the 1997 Country Reports, the Government of China enforces its "one-child policy" using coercive measures including severe fines of up to several times the annual income of the average resident of China and sometimes punishes nonpayment by destroying homes and confiscating personal property;

Whereas, according to the 1997 Country Reports, as part of the Chinese Government's continued attempts to expand state control of religion, "Police closed many 'underground' mosques, temples, and seminaries," and authorities "made strong efforts to crack down on the activities of the unapproved Catholic and Protestant churches" including the use of detention, arrest, and "reform-through-education" sentences;

Whereas, although the 1997 Country Reports note several "positive steps" by the Chinese Government such as signing the United Nations Covenant on Economic, Social and Cultural Rights and allowing the United Nations Working Group on Arbitrary Detention to visit China, Assistant Secretary of State John Shattuck has testified regarding those reports that "We do not see major changes [in the human rights siguation in China]. We have not characterized China as having demonstrated major changes in the period over the course of the last year";

Whereas, in 1990, 1992, and each year since then, the United States has participated in an unsuccessful multilateral effort to gain passage of a United Nations Commission on Human Rights resolution addressing the human rights situation in China;

Whereas the Government of China has mounted a diplomatic campaign each year to defeat the resolution and has succeeded in blocking commission consideration of such a resolution each year except 1995, when the United States engaged in a more aggressive effort to promote the resolution;

Whereas China's opposition to the resolution has featured an attack on the principle of the universality of human rights, which the United States, China, and 169 other governments reaffirmed at the 1993 United Nations World Conference on Human Rights;

Whereas on February 23, 1998, the European Union (EU) agreed that neither the EU nor its member states would table or cosponsor a resolution on the human rights situation in China at the 54th Session of the United Nations Commission on Human Rights;

Whereas on March 13, 1998, the Administration announced that it would not seek passage of a resolution at the United Nations Commission on Human Rights addressing the human rights situation in China;

Whereas without United States leadership there is little possibility of success for that resolution;

Whereas, in 1994, when the President announced his decision to delink Most Favored Nation (MFN) status for China from previously announced human rights conditions, the Administration pledged that the United States would "step up its efforts, in cooperation with other states, to insist that the United Nations Human Rights Commission pass a resolution dealing with the serious human rights abuses in China" as part of the Administration's "new human rights strategy";

Whereas a failure vigorously to pursue the adoption of such a resolution would constitute an abandonment of an important component of the "expanded multilateral agenda" that the Administration promised as part of its "new human rights strategy" toward China; and

Whereas Chinese democracy advocate and former political prisoner Wei Jingsheng has stated that "[t]his [United Nations Commission on Human Rights] resolution is a matter of life and death for democratic reform in China": Now, therefore, be it

Resolved, That the House of Representatives—

(1) urges the President to reconsider his decision not to press for passage of a resolution on human rights violations in China at the 54th Session of the United Nations Commission on Human Rights;

(2) expresses its profound regret that the European Union will not table or cosponsor a resolution on human rights violations in China at the 54th Session of the United Nations Commission on Human Rights; and

(3) urges all members of the United Nations Commission on Human Rights to support passage of a resolution on human rights violations in China at the 54th Session of the United Nations Commission on Human Rights.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Florida (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge every member of this body to support House Resolution 364. This strongly bipartisan resolution urges the introduction and passage of a resolution on human rights in the People's Republic of China at the 54th session of the U.N. Human Rights Commission which began yesterday and runs to the 24th of next month.

If any government deserves to be the subject of a U.N. Human Rights Commission resolution, the Beijing regime does. In its testimony before my subcommittee last month, Assistant Secretary of State John Shattuck made it very clear that ". . . the government of China continues to commit widespread and well-documented abuses in all areas of human rights." He also testified that there have not been any major improvements in that situation during the last year.

As detailed in the State Department's country reports on human rights practices in China, those abuses included extrajudicial killings, the use of torture, arbitrary arrest and detention, forced abortion and forced sterilization, the sale of organs from executed prisoners, and tight controls over religion, speech, and press. Persecution in some areas, such as the captive nations of Tibet and East Turkistan, even intensified during the past year.

House Resolution 364 merely urges the administration to reconsider and to do what it promised to do when it delinked MFN for China from human rights considerations in 1994: ". . . to insist that the U.N. Human Rights Commission pass a resolution dealing

with the serious human rights abuses in China."

However, this past weekend, the administration signaled that it is backing away from that promise, just as it backed away from its previous promise to link China's MFN status to respect for human rights. In both cases, the retreat has not been justified by any improvement in the Chinese government's human rights record. As a matter of fact, it has gone backwards.

In explaining its decision not to seek a China resolution in Geneva, the administration has highlighted the PRC's recent announcement that it intended to sign the International Covenant on Civil and Political Rights. However, that rationale does not justify the President's latest deference to the Beijing dictatorship for three basic reasons.

First, the Beijing regime regularly ignores its legal promises, especially where human rights are concerned. The Constitution of the PRC already guarantees freedom of speech, of the press, of assembly, of association, of procession, and of demonstration, as well as the freedom of religious belief and the freedom of ethnic minorities such as the Tibetans and Uyghurs from discrimination and oppression.

According to the administration's own reporting, the Beijing regime routinely and systematically violates those freedoms.

In a further example, China signed the U.N. Convention Against Torture over a decade ago; but according to the State Department, and other sources in human rights organizations, the Chinese government continues to use torture against prisoners each and every day. Thus, in return for its silence, the United States must demand real improvements, not paper promises.

Second, experience demonstrates that ratification of the International Convention on Civil and Political Rights does not guarantee genuine respect for human rights. Many of the most abusive countries on the planet, including Iraq, North Korea, Nigeria, to name a few, are parties to that convention.

Third and most important, by using convention ratification as an excuse for the United States' inaction in Geneva, the administration has set up an explicit double standard benefitting the Beijing regime.

Yet, last year alone, the administration supported seven U.N. Human Rights Commission resolutions concerning other countries that have signed the International Convention on Civil and Political Rights: Nigeria, Iran, Sudan, Iraq, Rwanda, Bosnia and Herzegovina, Croatia, Yugoslavia, and Equatorial Guinea.

The unprecedented favors shown to the Beijing dictatorship suggest that, in reality, the President's latest decision has little to do with the convention and everything to do with dollars and cents.

Wei Jingsheng, Mr. Speaker, the great Chinese democracy advocate and former prisoner of conscience, testified before my subcommittee just a few weeks ago. He said that a U.N. Human Rights Commission resolution at this time is a "matter of life or death" for the democratic reform in China.

Last week, in an open letter urging the U.S. to support a China resolution in Geneva, he explained that "the success of the Chinese government to silence the world community has serious consequences. It is a massive blow to the Chinese people's determination to struggle for human rights and democracy. They are left with the feeling that they are being betrayed."

Mr. Speaker, the President's decision this past weekend was, indeed, a betrayal, a betrayal of the countless Chinese, Tibetans, and others who suffer under the current regime, and a betrayal of our own democratic and humanitarian ideals.

The United States' support for a U.N. human rights resolution is the very least that we can do for the Chinese and the Tibetan peoples. If the U.S. will not raise human rights violations in a forum dedicated exclusively to human rights concerns, then where will we raise those issues and how can we expect tyrants to heed our admonitions in private when they know we will lack the will to speak about them in public?

□ 1515

Notwithstanding his announcement this weekend, Mr. Speaker, I urge the President, we urge collectively the President to honor his previous pledge to support a China resolution at the U.N. Human Rights Commission in Geneva. In the meantime, I urge my colleagues to support passage of the resolution.

I. SUMMARY

China appears to be on the verge of ensuring that no attempt is made ever again to censure its human rights practices at the United Nations. It is an extraordinary feat of diplomacy and an equally extraordinary capitulation on the part of governments, particularly the United States and the countries of the European Union, that claim to favor multilateral initiatives as a way of exerting human rights pressure. One of the few remaining international fora to exert such pressure is the annual meeting of the U.N. Commission on Human Rights in Geneva—in session this year from March 10 to April 18—where countries with particularly egregious human rights records can become the subject of resolutions. Every year save one since 1990, the U.S. and the E.U. have taken the lead, with support from Japan and other governments, in sponsoring a resolution on China, and every year save one, China has successfully blocked even debate on the subject. The threat of a resolution, however, has itself been an effective form of pressure, as illustrated by the time and resources China has spent in trying to counter it.

This report is an analysis of China's diplomatic efforts with respect to key members of the commission over the last three years. It describes a pattern of aggressive lobbying by Chinese officials, using economic and political blandishments, that has worked to undermine the political will in both developed and developing countries to hold Beijing accountable in Geneva, coupled with procrastination and passivity on the part of China's critics, the same governments that have been such vocal proponents of multilateralism.

The report suggests that countries concerned about human rights in China should put more, not less effort into a carefully constructed resolution at the U.N. Human Rights Commission; that the process of fashioning a resolution and lobbying for its passage is important, whether it ultimately reaches the floor of the commission for debate or not; and that ending all efforts on China at the U.N. Human Rights Commission, as the U.S. and Europe seem to be considering, will be seen in China as a triumph over the West's dominance of international institutions and one that it may want to follow up in fields other than human rights.

As this report went to press, the U.S. and the E.U. were involved in diplomatic negotiations with China on a possible package of limited steps or promises in exchange for dropping a resolution this year and in subsequent years. The U.S. in particular, seemed poised to accept any last-minute gestures that China might make during Vice President Albert Gore's trip to China in late March, midway through the commission's deliberations. But the prospect of obtaining truly meaningful improvements from Beijing on human rights would have been far higher had there been a real threat of a coordinated, high-level lobbying effort behind a resolution in Geneva, the work on which would have had to have begun in September or October 1996. For the U.S. and E.U. to suggest at this late date that a resolution cannot pass is a prophecy they have done their utmost to make self-fulfilling.

BACKGROUND

A resolution on China at the commission is a curiously potent tool for raising human rights issues, given that it is an unenforceable statement that carries no penalties or obligations. But as the product of the U.N., it has major implications for a country's international image, and even to table a resolution for discussion is considered by many countries, China among them, as a major loss of face. But China considers the U.N. Human Rights Commission an important forum for other reasons as well, including as a vehicle for countering Western "hegemonism," particularly through alliances with governments in Asia, Africa and Latin America. During the 1996 session of the commission, Chinese diplomats made clear that they saw an attempt to seek a resolution on China as an example of this hegemonism, arguing that the North used the commission as a one-way forum through which to confront, judge, and interfere in the internal affairs of developing countries while ignoring abuses in the U.S. and Europe, and that the commission paid too much attention to political and civil rights while neglecting economic, social, and cultural rights and the right to development.[1] In addition to its value to China as a forum to challenge the West, the commission has also become a useful vehicle to play the U.S. off against its erstwhile European allies.

Interest in using the U.N. Human Rights Commission as a forum for criticizing China

Footnotes appear at end of report.

only emerged after the crackdown in Tiananmen Square in 1989. Beginning in 1990, the annual Geneva meetings were marked by efforts to table mildly worded resolutions urging China to improve its human rights practices and criticizing ongoing violations of international standards. These efforts were defeated before the resolutions could come up for debate by "no-action" motions brought by one of China's friends on the commission—Pakistan could be counted on in this regard. A "no-action" motion, if passed, meant that the resolution died a quick death before ever coming to debate and vote.

In March 1995, however, the "no-action" motion failed for the first time. China's human rights record was debated, and a resolution sponsored by the U.S. and the European Union lost by only one vote when Russia unexpectedly cast its vote in opposition. It was the closest China had ever come to defeat. In April 1996, by contrast, China again successfully blocked a resolution through the "no-action" procedure, by a vote of twenty-seven to twenty with six abstentions. In the year that elapsed between the two meetings, China's human rights record had worsened, but its lobbying had improved and the political will of its critics had weakened.

Visits between China and commission members between April 1996 and March 1997 resulted in more aid packages, new and expanded trade contracts including foreign investment and joint ventures, and promises of improved bilateral cooperation on projects ranging from agriculture to nuclear technology. While it is impossible to definitively document the direct relationship between each visit or aid package and the votes of individual commission members, an overall pattern emerged that may help to explain China's success at muzzling the commission. Clearly, in many countries, much more was at stake than a Geneva vote, as Beijing sought to boost its long-term political and economic relationships and to weaken Taiwan's ties with some capitals. But a major objective during this period was also to defeat the annual Geneva effort.

In 1995 and in 1996, the importance of the outcome in Geneva was clearly reflected in official statements. At the conclusion of the 1995 voting, a foreign ministry spokesman speaking on state radio "expressed its [the Chinese government's] admiration and gratitude to those countries that supported China," and China's ambassador to the U.N. in Geneva said the resolution was "entirely a product of political confrontation practiced by the West with ulterior motives."[2] After the 1996 vote, an article by the official Chinese news agency Xinhau, entitled "Failure of Human Rights Resolution Hailed," gloated that the commission "has again shot down a draft resolution against China, marking another failure by the West to use human rights to interfere in China's internal affairs. . . ."[3]

From China's perspective, there were two relatively balanced voting blocs on the commission, and a number of crucial swing votes.[4] One bloc consisted of Asian and African states. The second was composed of western Europe and North and Central America. The swing votes were to be found among some of the new democracies of central Europe, the former Soviet republics, large Latin American countries and a handful of African and Asian nations. China courted them all and pursued its efforts to divide Europe and the United States.

II. THE EUROPEAN UNION AND THE UNITED STATES

In 1995, the year the resolution lost by one vote, the U.S. and E.U., which together with Japan were the resolution's co-sponsors, began efforts to get other countries on board as early as December 1994, when then U.S. National Security Adviser Anthony Lake went to Zimbabwe, Gabon and Ethiopia. The Geneva resolution was one of the issues on his agenda. Geraldine Ferraro, then head of the U.S. delegation to the commission, made calls to Latin American capitals.

After that close call, Chinese diplomats and government officials seemed to intensify their efforts to underscore that good economic relations with the world's largest country would be fostered by decreasing pressure on human rights. Overt Chinese pressure, of course, was not always needed: European leaders were well aware that the competitive edge with the Americans could be widened if human rights criticism was left to the latter, especially when the U.S. was already preoccupied with a struggle with China over intellectual property rights and the annual debate over Most Favored Nation status.

The first attempts to derail a resolution on China at the 1996 U.N. Human Rights Commission session took place in Bangkok on March 1 and 2, 1996 when Chinese Premier Li Peng met with German Chancellor Helmut Kohl and French President Jacques Chirac at the E.U.-Asia summit. With a US$2.1 billion Airbus contract hanging in the balance and a visit to France by Li Peng set for April, France took the lead in trying to work out a deal whereby in exchange for a few concessions from China, the E.U. and the U.S. would agree to drop the resolution. The nature of the proposed concessions was never made public but was rumored to include an agreement by China to sign and ratify the two major international human rights treaties, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights: the release of some political prisoners; and an invitation to U.N. High Commissioner for Human Rights José Ayala Lasso, to visit China. Ratification without reservations would indeed have been a useful step, but when pressed to give a timetable for ratification, Beijing reportedly backed off, and the deal fell through. Italy—then in the presidency of the E.U.—was said to be leaning to the French deal, as was Germany, which with bilateral trade of $18 billion, was China's largest trading partner in Europe and one of Europe's top investors in China. The Europeans did not come on board until ten days after the commission session opened, and then only reluctantly.

The resolution was doomed by a failure of will on the American side as well. The United States was no more eager than its European counterparts to earn China's opprobrium by sponsoring a resolution, and, according to one source, a deliberate decision was made within the Clinton administration sometime in December 1995 to give the resolution less attention that the year before, with the result that lobbying was late, desultory and ultimately unsuccessful.

Despite appeals on human rights in China and Tibet signed by over 200 French legislators and scattered protests, Li Peng's visit to Paris from April 9–13, just before the commission vote, was hailed by Beijing as marking a "watershed" in its ties with France. Li Peng took the opportunity to finalize the Airbus sale in what appeared to be a deliberate slight to the U.S. government and the American company Boeing, hitherto the largest supplier of aircraft to China. In one reporter's words. China preferred to deal with countries that "don't lecture China about human rights, don't threaten sanctions for the piracy of music, videos and software and don't send their warships patrolling the Taiwan Straits."[5]

Li Peng's trip to Europe was followed in July 1996 by a six-nation swing by President Jiang Zemin through Europe and Asia, aimed at closing business deals and enhancing Jiang Zemin's international standing. An important side-effect, if not a deliberate objective of these visits, was to erode the willingness of some European countries to confront Beijing in Geneva. The trip came on the heels of a Chinese threat to impose economic sanctions on Germany in retaliation for a conference on Tibet. The conference was sponsored by the Friedrich Naumann Foundation, closely linked to Foreign Minister Klaus Kinkel's Free Democratic Party, and was to be held in Germany in June in cooperation with the Dalai Lama's government-in-exile. The row started over the German government' proposal to provide a subsidy for the conference. Under pressure, government funding was withdrawn, but the conference went ahead with the support of German politicians from all parties. The Chinese government then forced the closure of the foundation's Beijing office. In retaliation, German politicians introduced a motion in the Bundestag criticizing China's human rights record. China then withdrew an invitation to German Foreign Minister Kinkel to visit Beijing.

When Beijing further warned that German business interests in China could suffer, Bonn quickly scrambled to restore good relations. In September the invitation was renewed, and Kinkel went the following month. He did raise the cases of political prisoners Wang Dan and Wei Jingsheng, but the real story was that commercial relations with Germany were back on track, for in November in Beijing, President Jiang and German President Roman Herzog signed four agreements on financial and technological cooperation. The last quarter of 1996 saw multimillion dollar deals signed between China and Germany companies, including a joint venture by Mercedes Benz in Jiangsu province to produce buses; a joint venture by Kogel Trailer to produce specialized auto vehicles; a joint venture by Bayer AC and Shanghai Coating Company to produce iron oxide pigments; and a US$6 billion investment in a petrochemical plant by German chemical company BASF.

China also wooed other European countries. In June, Chen Jinhua, head of China's State Planning Commission, visited Italy. In Milan, he held a meeting with leading Italian financial and business interests, discussing how China's ninth five-year plan would lead to the continued open up of the economy to the outside world. Stressing the growth of bilateral trade, which stood at a record US$ 5.18 billion in 1995, he noted China's potential as a huge market with possibilities for increased Sino-Italian cooperation. In September, Li Peng went to the Hague, just as the Netherlands was poised to take over leadership of the E.U.; in October Italian Foreign Minister Lamberto Dini led a group of Italian businessmen to Beijing on a "good will" visit; and in November, Li Peng was back in Europe on a visit to Rome, where he and his Italian counterpart pledged to encourage Sino-Italian economic and trade ties.

Britian also worked to bolster its trade with China. When Trade and Industry Secretary Ian Lang met with Minister of Foreign Trade and Economic Development Wu Yi in Beijing in September 1996, they agreed

to set up working groups in the chemical industry, aeronautics, and energy. In October, Li Lanqing, a vice-premier and vice-chair of the State Council (the equivalent of China's cabinet), traveled to London to meet with Deputy Prime Minister Michael Heseltine, and in November, the two countries signed a Memorandum of Understanding on forming a Sino-U.K. Aerospace Equipment Working Group to promote commercial and technical cooperation in civil aviation.

III. LATIN AMERICA

Latin America was clearly a priority region for China if it was to defeat a resolution at the 1996 commission session. Next to Europe and North America, it was most likely to vote against China. In some cases, this was due to history of susceptibility to U.S. influence, in others to a democratic transition from an abusive authoritarian past that made the new democracies important allies in efforts to censure grave abuses wherever they occurred. Many Latin American countries, including Mexico, Brazil, Chile, Ecuador, Argentina, Peru and Venezuela, also had serious strains in their bilateral relations with China because of textile and garment "dumping" by the latter. Of all the countries in the region, only Cuba and Peru consistently voted with China in 1995 and 1996, Mexico, Colombia and Venezuela abstained in both years.

Top Chinese government and Party officials increased the exchange of visits with Latin America leaders after the near success of the 1995 resolution. In October 1995, Premier Li Peng went to Mexico and Peru, signing trade and cooperation agreements with both governments. Peru had abstained from all China votes at the commission until 1995 when it voted in favor of the no-action motion. As if to reinforce the relationship, Luo Gan, secretary-general of the State Council, went to Peru in March 1996 with the commission already in session and pledged US$350,000 in aid and a loan of US$70 million to be used toward China-Peru trade. The sums were small, but the symbolism of South-South aid was important. Peru again voted with China at the commission in 1996. That August, the speaker of the Peruvian parliament, visiting Beijing, said pointedly in the context of a discussion on human rights that his country did not interfere with China's internal affairs. High-level exchanges also took place in 1995 with Brazil, Chile, and Cuba.[6]

In June 1996, following the April vote in the Human Rights Commission, Wu Yi went on a month-long tour of seven Latin American countries, Argentina, Cuba, Mexico, Peru, Uruguay and Chile, all but Peru to be members of the commission for the coming year. In November 1996, Li Peng went back to Latin America, visiting two members of the commission whose voting records had been inconsistent, Brazil and Chile. Brazil was key. Until 1996, it had abstained on all votes on China, in April 1996, it voted against China's efforts to stop action on a resolution. Li Peng's delegation specifically raised the issue during the visit expressing unhappiness with the Brazilian vote, and officials at the Brazilian Ministry of Foreign Relations reportedly discussed the possibility of abstaining on a no-action motion in 1997. The Chinese premier's visit produced agreement on a consulate in Hong Kong after July 1, 1997, on peaceful use of space technology and on sustainable development initiatives. Trade issues were also on the agenda.

Chile had voted with China in 1992, then abstained on all votes until 1996 when it joined Brazil to vote against China's efforts to stop debate. During his November visit, Li Peng announced tariff reductions of more than 10 percent on Chilean agricultural goods and signed agreements on scientific and technological cooperation in agricultural and aerospace. As with Peru, the substance of the agreements between Chile and China was less important than the political symbolism of Li Peng's visit, and as with Brazil, the Geneva vote was almost certainly on the agenda.

The presidents of Ecuador and Mexico and the foreign minister of Uruguay all visited Beijing between May and December 1996.[7] Closer ties between China and Latin America, as indicated by high-level exchanges, underscored the fact that sponsors of a resolution critical of China could not take the votes of Latin American members of the commission for granted. They would have to undertake some sustained lobbying, and apparently they did not.

IV. AFRICA

If the U.S. and Europe and other sponsors of a resolution were serious about a multilateral initiative to exert pressure on China, it was essential that they bring some African members of the commission on board. Admittedly, it would not have been an easy task, given Chinese diplomatic initiatives and interests in the region, but save for some modest measures in 1994 like U.S. National Security Adviser Anthony Lake's discussions (see above), the sponsors put little energy into finding support from African governments.

China, on the other hand, was energetic. Since the end of the Cold War, it has seen African countries as critically important allies, particularly in the United Nations, in the struggle against American "hegemonism."[8] With its history of colonialism and the fact that for the North, it had become the "forgotten continent," Africa has been viewed as a desirable partner in China's efforts to "bypass" the United States.[9] In addition, China had a strong interest in stepping up its diplomacy in the region to counter Taiwan's aggressive campaign to expand ties with some African states.

China embarked on a concerted diplomatic campaign in Africa in mid-1995. Although the main objective may have been to blunt Taiwan's influence, it may not be coincidental that the campaign began after China lost a no-action motion and nearly lost the resolution in Geneva in March 1995, or that the countries singled out in this campaign were also for the most part members of the commission.

In October–November 1995, well before the 1996 session of the commission convened, Li Lanqing traveled to six central and western African countries: Mali, Guinea, Senegal, Gabon, Cameroon and Côte d'Ivoire. Of these, all but Senegal were members of the commission. In November, Quao Shi, a leading member of the Central Committee and chairman of Standing Committee of China's National People's Congress (China's parliament), went to Egypt, another key member of the commission. All the countries included in these two visits voted with China in the April 1996 "no-action" motion.

By contrast, from September 1995 to March 1996 there were few high-level exchanges between the U.S. and African members of the commission, and when they took place, China was not on the agenda. Angolan president Dos Santos made a state visit to Washington, D.C. on December 8, 1995, for example, but amid the many issues on the U.S.-Angolan agenda, support for a critical position in the U.N. toward China's human rights practices was reportedly not one Madeleine Albright, then U.S. ambassador to the U.N. visited Angola in January 1996, but apparently made no effort to press for Angola's support at the Human Rights Commission. Angola ranks fourth among China's African trading partners and has consistently voted with China at the Human Rights Commission. If the U.S. was serious about generating international pressure on China through the U.N., its officials would have seen the visits by its officials as an opportunity to put multilateralism into practice and raise the issue of a resolution in Geneva.

Ethiopia, a key member of the commission, exchanged visits with European and American officials, with development assistance and security the main issues at stake. German President Herzog visited Ethiopia in January 1996, during which he signed an aid agreement for the purchase and transport of fertilizers, and Prime Minister Meles Zenawi spent two days in Paris, meeting with the French prime minister and with President Chirac. In neither case was there any indication that the China vote was on the agenda, and a source close to the U.S. delegation to Geneva told Human Rights Watch that no attempt was made to lobby Ethiopia for its vote.

China appeared to have stepped up its efforts to ensure a similar victory in the 1997 session. Following the end of the 1996 commission meeting in April, all fifteen African members of the commission sent or received high-ranking visitors from China. In May 1996, according to Chinese reports, President Jiang himself "crossed a thousand mountains and rivers to enhance friendship, deepen unity, and learn from the African people." visiting a total of six countries as he covered the continent "from North to South, from east to West." Of the six countries, four, Ethiopia, Egypt, Mali an Zimbabwe, were members or about to become members of the commission. At a meeting of the Organization of African States, Jiang stressed that China would be an ally in Africa's drive to develop; and, in fact, over twenty-three agreements and protocols on Sino-African cooperation were signed in May alone. They primarily provided for basic construction projects in transport and energy.[10]

During meetings in Beijing in May 1996, two days before he left for his African tour, President Jiang pledged economic and military support for Mozambique, which rotated on to the commission in time for the 1997 session, at the same time, Chinese Defense Minister Chi Haotian discussed details of the bilateral ties between the two nations' militaries and provided Mozambique with quantities of new weapons. Sino-Mozambiquan relations went into a tailspin in 1996 when China abruptly pulled out of an agreement to build a new parliament building. The visit in May was an effort to repair relations but it could also help produce a pro-China vote in the commission this March.

Jiang Zemin was present in Zimbabwe in May 1996 when Minister of Foreign Trade and Economic Cooperation Wu Yi signed agreements for US$10 million in grants and an additional US$10 million in loans, as well as other agreements on trade, reciprocal protection of investment and technological and economic cooperation. Earlier an agricultural group from China studied the possibilities of importing cotton and tobacco from Zimbabwe. In 1995, the first time Zimbabwe voted on a China resolution in Geneva, it voted for the no-action motion and against the China resolution; in 1996 it again voted in favor of no action on China.

Following Jiang Zemin's May 1996 visit to Mali, China signed agreements on economic and technological cooperation during meetings in Beijing between Premier Li Peng and Mali's president, and the Chinese vice-minister of agriculture signed an agreement to assist Mali in building a number of factories. In 1996, when Mali voted on the China question for the first time, it voted in favor of the no-action motion.

Jiang Zemin also traveled to Ethiopia in May on a good will visit during which four cooperation agreements were signed. China-Ethiopian economic relations have been minimal compared with China's relationships with other African countries. Before Jiang's visit, Chinese journalists made much of an Ethiopian irrigation project completed with help from thirty-eight Chinese experts. In 1990, Ethiopia voted for a no-action motion and then went off the commission until 1995, when it voted in favor of the no-action motion but abstained when the resolution itself was voted on. In 1996 it again voted in favor of no action.

Algeria was already considered in the China camp. Jiang Zemin and the president of Algeria met in Beijing in October to discuss bilateral relations and to sign six documents including one protecting and encouraging reciprocal investment. Algeria has had a strong and continuous relationship with China which helped with a heavy water research reactor, and has been involved in irrigation, agricultural, and research projects including a three-star hotel in Algiers. In January 1997, Foreign Minister Qian Qichen paid a quick visit to Algeria, meeting with the foreign minister to discuss strengthening bilateral cooperation.

Uganda became a member of the commission in time to vote with China on the 1996 no-action motion. While the commission was still meeting in April 1996, Li Zhaoxin, China's vice-minister of foreign affairs, agreed to provide US$3.6 million to cover the costs of a national stadium. In January 1997, at the request of the Ugandan government, China agreed to send technical personnel for two years to provide guidance in connection with the stadium project.

Li Peng and the president of Gabon, meeting in Beijing in August 1996, stressed the importance of their relationship and their support for the rights of developing nations. Gabon abstained in 1992 on a no-action motion but has since voted solidly in the Chinese camp.

When Chinese Vice Foreign Minister Tian Zengpei met with the Guinean Foreign Affairs Minister in Guinea in April while the commission meeting was still in session, he thanked him for Guinea's support on the human rights issue. Guinea, a new member of the commission as of the 1996 session, voted for no action on the China resolution.

During a visit to South Africa, China's largest trading partner in Africa, in May 1996, Wu Yi negotiated promises of expanded trade ties and reciprocal "most favored nation trading status." The importance of China to South Africa's economy was underscored in December 1996 when President Nelson Mandela abruptly abandoned diplomatic support for Taiwan and recognized Beijing as the sole representative of China.

Buhe, the vice-chairman of the Standing Committee of the National People's Congress paid a goodwill visit to Benin in December 1996. Although Benin had voted with China in 1996, it abstained on both the no-action motion and the resolution itself in 1995.

Both the timing and the high-profile nature of most of these exchanges highlight the likely difficulties of getting African countries to abstain on a China resolution, let alone vote in favor, in 1997. If the U.S. and Europe had been committed to seeing a resolution pass, both would have had to have engaged in intensive lobbying beginning in late 1996.

V. CENTRAL AND EASTERN EUROPE

After March 1995, high-level Chinese officials logged considerate mileage traveling to the Russian Federation and to two former Soviet republics, Belarus and the Ukraine. All three countries were to be 1996 commission members. Belarus for the first time, and the Ukraine for the first time since 1990.

In 1995, after Russia helped to defeat a no-action motion, its delegates switched their vote and the resolution itself failed as a result. It seemed logical in 1996, that if China were to avoid another near embarrassment, it would have to guarantee Russia's vote on the no-action motion itself. Not since 1990 had Russia voted to send a resolution to the floor. Furthermore, it was generally agreed that the Belarussian president, anxious for reunification with Russia, would vote with Russia. Of course China had other political and economic stakes in its relations with Central and Eastern Europe that may have been the driving force behind much of the activity outlined below; but with the Geneva vote so important to Beijing, lining up commission members was a likely factor.

In June 1995, Li Peng visited all three states. During his visit to Belarus, there was agreement on bilateral cooperation in trade, science, technology, manufacturing, and agriculture. In the Ukraine, he signed a note worth 8.5 million *renminbi* (approximately US$1.7 million) in economic assistance. In August, as a follow-up to the June visits, the vice-minister of the Ministry of Foreign Trade and Economic Cooperation (MOFTEC) led a trade delegation to the region.

The direction of the visits reversed in September when the vice-prime minister of Russia went to Beijing, followed in November by a vice-minister from the Belarussian Ministry of Foreign Economic Relations, and in December by the Ukrainian president. During a meeting with Jiang Zemin, the two signed a joint communiqué furthering bilateral economic and political cooperation. In April 1996 while the Human Rights Commission was in session, Qiao Shi, chairman of Standing Committee on China's National People's Congress (parliament), traveled to Moscow to meet with top Russian officials in preparation for meetings later in the month with three central Asian republics. That same month, China exchanged ministerial visits with both Belarus and the Ukraine. At the invitation of Qian Qichen, the Belarussian foreign minister traveled to Beijing. During a meeting with Li Peng, he thanked him for China's support of Belarus on international issues and described as "encouraging" the 60 percent growth in bilateral trade in 1995. Qiao Shi traveled to the Ukraine for a four-day visit aimed at expanding cooperation between the two countries. Shipbuilding, aircraft manufacturing and instrument products were cited as industries for cooperation.

In the wake of all this activity, Russia abstained and Belarus and Ukraine voted with China in favor of no action on the resolution at the 1996 commission session. Two days after the vote, President Boris Yeltsin was warmly welcomed in Beijing by Jiang Zemin, Li Peng, and Qiao Shi. The major accomplishments of the meetings included an agreement signed by China, Russia, Kazakhstan, Tajikistan and Kyrgyzstan strengthening border confidence, a Sino-Russian joint communiqué to serve as "the principled basis for the two countries' constructive partnership during the 21st century"[11] and a dozen cooperation agreements, including ones on intellectual property rights, cooperation on the peaceful use of nuclear energy, and development for mutual prosperity. In addition, representatives from both countries discussed cooperation on military technologies. By December 1996, when Li Peng visited Moscow, plans were being laid for an April 1997 summit on security. At the same time, Russia agreed to lend China US$2.5 billion for nuclear power plant construction and to sell arms to Beijing. And Li and Viktor Chernomyrdin discussed raising bilateral trade volume and cooperation on large-scale projects.

In November, the Belarussian president told Li Lanqing during his visit to Minsk that improving Belarus-Chinese relations was of strategic importance to Belarus, adding that he attached great importance to developing bilateral trade and that he welcomed Chinese entrepreneurs willing to invest in Belarus. The following month, the acting prime minister of Belarus attended a signing ceremony in Beijing for agreements on educational cooperation and on ensuring the quality of exported and imported goods.

A well-documented effort by the Chinese government to gain support in the commission from central European countries began before the 1994 vote. Poland, to the surprise of delegation members themselves, members of Parliament, and local human rights groups, abstained from voting on the no-action resolution instead of voting against it as it had the year before. Instructions from the Polish Ministry of Foreign Affairs had arrived just before the actual vote took place. China had reportedly agreed to support Poland's effort to gain a seat in the Security Council in exchange for the abstention. A representative of the ministry later explained to the Polish parliament that the vote had come about as a result of a "mistake" by a junior official.

In 1995, Li Peng wrote to Polish Prime Minister Pawlak to thank him for his support in Geneva in 1994 and asked for "even more substantial support in 1995." The offer to promote a Security Council seat was reiterated. After the main Warsaw newspaper publicized the "vote trade" and media pressure mounted, Poland's vote against the no-action resolution helped to defeat it.

Two other Central European countries on the 1997 commission have received more attention from the U.S. and Europe than from China, and the commission votes may reflect this. With the exception of 1992 when it abstained, Bulgaria has voted against China in the no-action motion, and the Czech Republic, back on the commission after a hiatus of three years, would be unlikely to succumb to Chinese pressure.

VI. ASIA

Most Asian countries were already voting solidly with China. In 1995 and 1996, the only countries that did not were the three Asian democracies, Japan, the Philippines and Korea. Japan has consistently voted in favor of a resolution; the Republic of Korea has consistently abstained; and the Philippines, which voted with China in 1992 before going off the commission for two years, voted against China in 1995 after a territorial dispute with China flared up in the South China Sea. In 1996, Korea and the Philippines abstained; both were considered swing votes for 1997.

Korea, which resumed diplomatic relations with China in 1992, has heavy economic

stakes in China. The chaebol or conglomerate Goldstar is expected to invest US $10 billion in China by the year 2005, and Daewoo is planning to contribute 960 million renminbi (approximately US $120 million) to the building of an expressway. Daewoo will participate in the operation of the road for thirty years, after which it will belong to Huangshan City, its Chinese partner. During Jiang Zemin's visit to the Philippines in November 1996, China promised to build two power plants and pledged bilateral cooperation.

Other important efforts in Asia included Jiang Zemin's November-December 1996 goodwill tour South Asia with stops in India, Pakistan, and Nepal.

India has consistently voted with China, a reflection perhaps of its own rejection of external human rights pressure, especially on the sensitive issue of Kashmir. Sino-Indian relations, however, have also steadily improved since the collapse of the Soviet Union. Foreign Minister Qian Qichen accompanied President Jiang to India in November 1996 to promote bilateral relations in politics, trade, economy, and culture. The primary issue among the two regional powers was security, and an agreement was reached on military zones on the Sino-Indian border.

While in Nepal in early December 1996 to mark the twenty-fifth anniversary of King Birendra's ascension to the throne of Nepal, Jiang Zemin witnessed the signing of a grant of economic and technical assistance.

In his December swing through Pakistan, a traditional ally and leader of the efforts in the commission to prevent a resolution on China from coming up for debate, Jiang Zemin oversaw the signing of agreements on construction of a hydroelectric power plan, environmental protection, drug trafficking, and establishment of consulates, including maintenance of Pakistan's consulate in Hong Kong. Pakistani President Farooq Leghari noted that there was no difference between Pakistan and China on Tibet, and Pakistan "completely supports China." He also stated how happy he was that China would resume sovereignty over Hong Kong "and hoped for a peaceful joining of Taiwan with China as soon as possible."[12]

VII. WAFFLING IN 1997

It was clear by November 1996 that sponsorship of a resolution on China at the 1997 U.N. Human Rights Commission was in for a rough ride. On November 24, at a debriefing following President Clinton's meeting with Jiang Zemin at the Asia-Pacific Economic Cooperation (APEC) summit in Manila, a senior administration official said that "the president said that we want to maintain dialogue and cooperate on [human rights], but on the present record we could not forgo presenting [. . .] a resolution." The implication was clear: any nominal gesture or open-ended promise on China's part that could be interpreted as progress on human rights might be enough to derail a resolution.

The European Union played a similar game of delaying a decision on the resolution by bouncing consideration of the question from one E.U. body to another. When the E.U. Human Rights Working Group (HRWG) could not reach a decision on what to do about a resolution at its meeting on December 13, 1996, further consideration was delayed almost a month until January 10 when the Political Affairs Working Group, with representatives from all fifteen E.U. capitals, met in Brussels. The meeting decided to refer the issue back to the HRWG despite the fact that a straw poll of political directors had found an overwhelming majority in favor of a resolution and the HRWG had recommended that the E.U. move quickly. Rather than taking a firm decision to exert pressure through a resolution, the political affairs meeting discussed a variety of ways of avoiding confrontation at the commission, including pushing for consensus rather than majority vote on resolutions and substitution of investigations by the U.N. thematic mechanisms for commission resolutions.[13] Just as the HRWG was about to meet on January 23, China suddenly proposed a human rights discussion on February 14 around the edges of the Asia-Europe (ASEM) foreign ministers' meeting in Singapore, providing some E.U. countries with a pretext for delaying a decision once more. (For months, the E.U. had been unsuccessful in trying to schedule a formal E.U.-China human rights dialogue, originally scheduled for October 1996). But China offered no human rights concessions or gestures during the meeting, according to diplomatic sources.

The U.S. also refused to commit itself to the one multilateral initiative that might have exerted real pressure on China, with officials reiterating that Sino-U.S. relations could not be "held hostage" to human rights concerns and that a decision about sponsorship would be made "when the time came." During the U.S. Senate hearing on January 8, 1997 to confirm Madeleine Albright as secretary of state, Albright went so far as to imply that China's previous record was of no import, what counted was "in the remaining weeks" how China "approach[ed] that situation" and whether any changes took place. Different administration officials gave the same message: the U.S. position would be determined based on China's actions between "now"—and "now" became later and later—and the time of the commission vote. A week after Albright's confirmation hearing, the Chinese government warned of complications in the bilateral relationship if the U.S. pressed on rights issues.[14] No concrete promises or assurances resulted from a visit to Beijing on January 30-31 by a low-level delegation from the National Security Council and the State Department, aimed at exploring the possibilities for a human rights breakthrough.

On January 21, the Clinton administration moved to ensure consistency in the U.S.-E.U. position. A diplomatic demarché circulated to E.U. members in Brussels stated that "we are continuing to talk with the Chinese about what meaningful concrete steps they might take to avoid confrontation in Geneva," and it suggested that to make compliance easier, the E.U. ask China for the same minimal concessions: releases of prisoners with medical problems, resumption of discussions on prison visits, and signing and submitting to the National People's Congress for ratification the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The U.S. did state its willingness to cosponsor a resolution if China's performance did not improve but did not set a time frame or deadline for making a formal decision. President Clinton himself went further, stating at his January 24 press conference that there was no need to press China on human rights because the current government would, like the Berlin Wall, eventually fall.[15]

Six days later, the Clinton administration was back to justify no decision in terms of seeking improvements. On January 30, Secretary Albright relayed that message when she met in Washington with Dutch Foreign Minister Hans van Micrlo and Sir Leon Britian, vice-president of the European Commission and a strong supporter of commercial diplomacy.[16] Given the deterioration of human rights in China across the board over the past year, however, trying to seek "improvements" in the few months before the commission meetings began was disingenuous at best.

Secretary Albright's visit to Beijing on February 24—just prior to Deng Xiaoping's funeral—provided another opportunity to avoid a resolution, pending the outcome of her high-level discussions with Jiang Zemin, Li Peng and other senior officials. A report in the New York Times, published the day she arrived in Beijing, outlined the possible elements of a deal, although the administration vehemently denied the story's suggestion that a bargain was imminent, it did not dispute the other details.[17] Albright left Beijing, empty-handed but noting that breakthroughs before had not come during high-level visits but often several weeks or months afterwards, so as not to give the impression that foreign pressure had been involved.

Three days after her visit, however, a Chinese Foreign Ministry spokesman announced that China was giving "positive consideration" to signing the two major international human rights agreements, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. However, he went on to say, "as to when we would join, that is entirely our own affair." It is worth noting that in November 1993, China had announced that it was giving "positive consideration" to access to its prisons by the International Committee of the Red Cross, not long afterwards, negotiations with the ICRC came to a standstill.

But two days after the February 27 statement on the covenants, China announced that it had agreed to "resume our contact [with the ICRC] after a two-year hiatus."[18] An ICRC spokesman noted that these were "talks about talks to begin talks." The only element of a deal that had not been announced by China by the end of February, then, was the release of key dissidents.

It was left to Vice President Gore to try to close any deal during his late March visit. Meanwhile the E.U. had met in Brussels on February 24 and decided to put off any decision on a resolution, waiting instead for the outcome of Albright's trip. Immediately following Gore's visit, Australian Prime Minister John Howard is due in Beijing, as are Canada's foreign minister, Lloyd Axworthy (in April), and French President Jacque Chirac (in May).

While the E.U. and the U.S. were procrastinating, the U.N. High Commissioner for Human Rights José Ayala Lasso announced on February 10, before the sudden announcement of his resignation, that he had received and accepted in principle an invitation from China to visit. The timing of the invitation was clearly an effort to try to undermine the already dim prospects for a successful resolution by demonstrating China's openness to cooperation on human rights with the U.N.

VIII. CONCLUSION

For the last two years, the diplomacy surrounding a China resolution at the U.N. Human Rights Commission has been marked by a sorry lack of will and outright hypocrisy on the part of those countries that purport to defend human rights. The U.S. and E.U. member governments in particular have watched in near-silence as penalties for dissent in China steadily increased. The one tool that even U.S. and European critics of a

vocal human rights policy were willing to support was a resolution in Geneva because it was by definition multilateral and less damaging, it was thought, to bilateral relations.

But by 1997, American and European leaders appeared ready to take any promise the Chinese government was willing to make as evidence of progress on human rights and as a pretext for backing out of a resolution. At the same time, it had ensured that no such resolution could ever pass by holding off so long on the lobbying needed to build support at the commission even as China was engaged in steady and effective lobbying of its own. The U.S. and Europe have sent a clear message that powerful countries will be allowed to abuse international standards with impunity. That signal is a disservice to the United Nations and to the cause of human rights.

FOOTNOTES

[1] See, for example, the statements of Chinese diplomats in press releases issued by the U.N. Commission for Human Rights during its 1996 session: Wu Jianmin in Press Release HR/CN/96/03, March 19, 1996, p. 4 and Zhang Jun in Press Release HR/CN/96/13, March 26, 1996, p. 4.

[2] Washington Post, "U.N. Rights Panel Votes Down Measure Censuring China," March 9, 1995.

[3] "Failure of UN Human Rights Resolution Hailed," Xinhua, April 24, 1996, in FBIS, CHI-96-081.

[4] Commission members serve for three-year terms, but may serve more than one term.

[5] David Sanger, "Two Roads to China: Nice and Not So Nice—Boeing's Strategy is Appeasement; Microsoft Growls," New York Times, June 9, 1996.

[6] Li Ruihuan, chairman of the National Committee of the Chinese People's Political Consultative Conference (CPPCC) and often suggested as a possible successor to Li Peng, went to Cuba in June 1995, followed by a nine-day trip by Fidel Castro to China in December, his first visit ever.

[7] Li Peng met with the president of Ecuador in May and with the foreign minister of new commission member Uruguay in October. (In June, Uruguay had hosted Wu Yi and a trade delegation. In its previous three years on the commission, 1992-94, Uruguay had abstained on the China no-action votes.) Mexican President Ernesto Zedillo Ponce de Leon met with Jiang Zemin in November 1996.

[8] "Profit and Prejudice: China in Africa," China News Analysis, No. 1574, December 15, 1996, p. 6.

[9] "Profit and Prejudice: China in Africa," China News Analysis, No. 1574, December 15, 1996, p. 6.

[10] "Profit and Prejudice: China in Africa," China News Analysis, No. 1574, December 15, 1996, p. 3.

[11] "Yelstin Adviser Stresses Importance of Upcoming Visit," Xinhua, April 22, 1996; in FBIS-CHI-96-080, April 24, 1996.

[12] "Spokesman on Jiang Zemin Visit," The News (Islamabad), December 2, 1996, Foreign Broadcast Information Service, FBIS-CHI-96-232.

[13] The U.N. thematic mechanisms include, among others, the Special Rapporteurs on Torture; Summary and Arbitrary Execution; Religious Intolerance; Freedom of Expression; Independence of the Judiciary; Violence Against Women; and Sale of Children, as well as Working Groups on Disappearances and Arbitrary Detention. At China's invitation, the Special Rapporteur on Religious Intolerance visited in November 1994. Not only have none of his recommendations been implemented, but religious repression in China has intensified in the two years since the visit. Negotiations for a visit by the Working Group on Arbitrary Detention are ongoing.

[14] "Mutual Respect Needed," China Daily (English language version), January 15, 1997, p. 4.

[15] "I don't think there is any way that anyone who disagrees with that in China can hold back that [liberty], just as eventually the Berlin Wall fell. I just think it's inevitable." Quoted from his press conference in Jim Mann, "Clinton's 'Berlin Wall' Theory on China Steeped in Paradoxes," Washington Post, February 12, 1997.

[16] South China Morning Post, "Rights Action Urged to Avoid Censure," January 30, 1997.

[17] Patrick E. Tyler, "U.S. and Chinese Seen Near a Deal on Human Rights," New York Times, February 24, 1997.

[18] Patrick E. Tyler, "China and Red Cross Agree to New Talks on Jail Visits," New York Times, March 1, 1997.

Mr. SMITH of New Jersey. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Florida. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of this resolution, as amended. The resolution before the House, as amended, urges the administration to reconsider the decision made this weekend as to whether to pursue a resolution of the upcoming meeting in Geneva of the United Nations Human Rights Commission. Two concerns I would like to express about the resolution before I further express my support for the resolution.

The first is the European Union has gone on record as having made a decision not to cosponsor or introduce such a resolution in this upcoming meeting. I think it is terribly important, as our country continues to assert its leadership in the goal in which we all share, which is to advance the issue of human rights in China and around the world, we recognize that the resolutions that we support are those that we want to win and going into this particular meeting of the U.N. without the support of the European Union could spell disaster in that regard.

The second point to note again is that the administration has made a decision, and that is not to pursue a resolution in this upcoming meeting. Therefore, this resolution before the House today would have been more appropriate to have been brought up last week. The administration has acted. The resolution before the House, as amended, urges the administration to reconsider that decision, but it is unfortunate we are a little behind the curve in that regard.

On balance I think it is necessary for the United States to send a very strong message to China and to the rest of the world that we are concerned about the plight of human rights in China and our resolve in that regard is stronger than ever. People in China, including the government and leadership, need to make no mistake about it. Americans care very deeply about human rights in China. Our ability to have a decent relationship with China will continue to be circumscribed as long as the Chinese government continues to abuse its citizens. I plan to vote for this resolution and urge my colleagues to do the same.

Mr. Speaker, I yield 6 minutes and 30 seconds to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me the time. I thank the committee for its hard work in bringing this resolution to the floor. Indeed, as my colleague the gentleman from Florida (Mr. DAVIS) mentioned, the President announced a decision last Friday, and he said that we were behind the curve. I think indeed that the White House, anticipating a strong vote in this body, tried to preempt the actions of the House of Representatives, knowing that the Senate voted 95 to 5 in favor of this resolution. The administration wanted to cut us off at the pass, and that is why we are not late but they took the action that they did.

Nonetheless, I commend the gentleman from New Jersey (Mr. SMITH), the gentleman from Florida (Mr. DAVIS), the gentleman from Indiana (Mr. HAMILTON), the gentleman from Nebraska (Mr. BEREUTER), and all those who worked to put this resolution together for the administration to reconsider its ill-advised decision, and for the following reasons.

First of all, Mr. Speaker, it would be a very sad, sad occurrence that in this, the 50th anniversary of the Universal Declaration of Human Rights, that we would give a victory to the authoritarian regime in China by not pursuing a resolution condemning China's human rights practices at the U.N. Human Rights Commission. There is no real progress to report on stated pieces of the administration's human rights policy, including, and these are the criteria the administration uses, ensuring access to Chinese prisons for the International Red Cross, promoting a dialogue between his holiness the Dalai Lama and the Chinese government and obtaining the release of political and religious prisoners. The Clinton administration has hung its decision on the slim reed of the agreement by China, the announcement by China to sign the International Covenant on Civil and Political Rights. How can it be that this administration would say that because the Chinese say they would sign this document we would not pursue the resolution at the U.N. when the U.S. itself has taken action at the same venue, the same commission, against Nigeria, Iran, Sudan, Iraq, Rwanda, Bosnia and Herzegovina, Croatia, Yugoslavia and Equatorial Guinea. These countries signed that covenant and the administration, recognizing that that signature is not of itself worth much unless there is ratification and implementation, has in the past pursued a resolution against, for condemnation against these countries at the same venue.

When President Clinton delinked trade and human rights in 1994, he said very, very specifically that he would pursue the issue at the Human Rights Commission, that he would use multilateral fora, including the U.N. commission, and would press, would press for the passage of a resolution, appointed a rapporteur to report on China's human rights violation.

When my colleague says we would like to select fights that we can win, I would beg respectfully to differ. To the people in China and many of their representatives in the dissident community, both in China and in the U.S., namely, for one, Wei Jingsheng, have said that it is very, very important for

the U.S. to continue to push for this; whether we win or lose, the Chinese people must know that we stand with them.

He has himself said, I urge, this is from Wei Jingsheng, many members in this body fought for his release from prison, we had hoped it would not be exile from his country, as the Chinese have executed, but release from prison and the ability to speak freely in China. But nonetheless the exiled Wei Jingsheng says, in a letter to Members of Congress, I urge my friends in the United States Congress to clearly show the Chinese people the basic values of the American people. I urge my friends to pass a clear resolution calling upon your Representatives and the Commission for Human Rights in Geneva to hold fast in their position. It is not only for the sake of the American people, but for the whole of humankind. The values of democracy, freedom and human rights far exceed the value of money.

He further says, many Chinese, Wei Jingsheng further says, many Chinese people regard the Human Rights Commission in Geneva as a barometer to measure the support given by the international community to the Chinese people in their struggle for human rights and freedom.

In addition to the voice of the dissidents in support of this resolution, in addition to the promise made by President Clinton to pursue this resolution when he delinked, in addition to the fact that this is the 50th anniversary of the universal declaration of human rights, I urge my colleagues to support this resolution urging the administration to reconsider because the basis of their decision was the Chinese promise to support this other convention, to sign this other convention.

I call to my colleagues' attention, and they may have seen it, I hope so, over the weekend in the newspapers the reports that the Chinese government, that we all remember when President Jiang Zemin was here, he and President Clinton had as the crowning glory, the moment of their summit the agreement by the Chinese that they would no longer sell technology for weapons of mass destruction to Iran. On the strength of that agreement, that written agreement, the Clinton administration recently certified that on the basis of promises, not performance, that the Chinese were in accord, in compliance with the accords in terms of the nuclear arena and that would allow business in the United States to sell nuclear technology to China. Already the Chinese have violated that agreement. When they were caught, the administration tried to hold, to prevent that information, as I mentioned, the Chinese government in violation of a signed agreement with President Clinton, which was the flagship issue of the summit, in violation of that the Chinese government was transferring the technology to the Iranian government, a lifetime supply of materials for the enrichment of uranium. When the Chinese were caught the administration tried to suppress the information to make sure nobody found out about it. When it was made public, the administration declared victory and said, look, we stopped the Chinese from doing what they said they were not going to do in the first place.

The point is their agreements mean nothing. We have to urge the administration to reconsider its decision. I urge my colleagues to vote aye.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentlewoman for her very strong statement.

I yield such time as he may consume to the gentleman from New York (Mr. SOLOMON), who has been a leader on human rights in China for many, many years.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from New Jersey who for 18 years has led a fight on this floor trying to help people who are oppressed across this world with human rights violations. I thank the gentleman from Tampa, Florida, who replaced a very good friend of mine, Sam Gibbons, for his remarks as well. As always, we thank the gentlewoman from California. She is a real leader in the fight to try and make the lives of other people throughout this world better.

Mr. Speaker, I reluctantly support this resolution today. I say reluctantly because quite frankly it is a shame, quite frankly it is a scandal that we have to be here at all exhorting our President to do something that he should be doing without us even asking. Our President, continuing his five-year unrequited love affair with these butchers of Beijing, has abandoned the pursuit of improved human rights in China at the U.N. and that is just so sad. So it falls to us here in this Congress to pass this resolution today calling on the President to do the right thing. It is embarrassing, Mr. Speaker.

Once again China's human rights record continues to offend the decent people in this world and everyone admits it; everyone, that is, except the Clinton administration and some unbelievably cowardly governments in Europe who all they want is the almighty dollar. And what a shame that is. Mr. Speaker, a couple of weeks ago, several Members and I had a meeting with Richard Gere. Members know who he is; he is a Hollywood celebrity. He is the cochairman though of the International Campaign for Tibet. Mr. Gere, who travels to the Tibetan refugee camps in India frequently and was with me in Taiwan just a couple of weeks ago, told us how in 1994, when President Clinton shamefully delinked human rights from trade with China, Communist prison guards began immediately beating prisoners telling them that no one was going to help them now. That is not JERRY SOLOMON saying that. That was Richard Gere who strongly campaigned for the President and is sorry that he did because of actions like this.

Unfortunately, we can be sure that the same vile brutality is now taking place in the wake of President Clinton's and the European Union's and the U.N.'s gutless decision not to censure China for its colossal human rights violations. That is why we are here today on this floor. That is why the gentleman from New Jersey (Mr. SMITH) introduced this resolution, and that is why everybody better come over to this floor and they better pass it unanimously.

Mr. DAVIS of Florida. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank my colleague and friend, the gentleman from Florida (Mr. DAVIS), who has been kind enough to join me in serving with the Congressional Children's Caucus, and so I know his commitment to the question of equality, human rights and social justice. Let me acknowledge the gentlewoman from California (Ms. PELOSI) as well for continuing this fight for simply humanity in China. The gentleman from New York (Mr. GILMAN), I thank him also for his leadership. I would like this debate to be perceived as a bipartisan debate and really less so about whether Congress is behind the eight ball as to whether or not we in this body, the chief lawmaking body for this Nation, go on record for a most solemn and important statement and argument.

I happen to have been one who with great trepidation voted for the MFN, the most-favored-nation, based upon the many strong arguments that had been made that if you continue to expose a nation to opportunity, to democracy, to the respect of human rights, you would see gradually those changes coming about.

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It would have been interesting to be a fly on the wall during the tumultuous debates regarding the Soviet Bloc, and then as we saw the Berlin Wall fall and the rejoicing of democracy in those parts of the world.

I am hoping and would hope most of us would like to believe that we have that kind of trend moving forward in China. Sadly, as time goes on, I am believing that more is needed, and I certainly think the United Nations resolution dealing with the question of human rights was more than appropriate.

So I join my colleagues on this day of Saint Patrick, as I am wearing green for that special occasion, the patron saint who realized how important it

was in his life and in his time that Christianity was being blocked in Ireland. We have many faiths now. We have many views now in this world that is becoming smaller and smaller. Why is China blocking those who may differ with the government? Where is China's patron saint?

I truly believe that the United States Congress has its right and its responsibility to be the patron saint of a country that refuses to acknowledge its place at the world table, and that is with the dignity of human rights.

So, Mr. Speaker, I rise in support of House Resolution 364, and I believe that the resolution on the human rights situation in the People's Republic of China at the 54th session of the United Nations Commission on Human Rights should be passed.

I know that physically the United States can do little to relieve the suffering of people of other nations at the hands of their own government. In fact, China has said that to us on a regular basis. However, we, as Members of this representative body on behalf of the American people, can voice concerns regarding human rights and argue for our government to take a stand. We must argue when policies are inconsistent with our own interests of simple human justice.

The State Department's country records reports on human rights practices for 1997 states that the Government of China continues to commit widespread and well-documented human rights abuses in violation of internationally accepted norms, including extrajudicial killings, the use of torture, arbitrary arrests, detention, forced abortion and sterilization, the sale of organs from executed prisoners, which, by the way, was reported in the newspaper today again, and tight control over the exercise of rights of freedom of speech, press and religion.

With this in mind, this body must and should encourage the President to reconsider his decision. I believe it is important that we reconsider the decision that was offered just a time a while ago. I believe it is likewise important that we stand on the side of history and continue to fight for human rights and human justice.

It is evident from the leadership of the peace movement and others who have said that the offering and debating of this resolution at the annual U.N. Human Rights Commission in Geneva advances human rights in China and Tibet. And we must stand by that argument. China in the past has shown a willingness to respond to the concerns of the United States regarding human rights, and I believe that this resolution will make progress in that area.

Therefore, I strongly encourage my colleagues to support this House resolution and recognize that today we stand on behalf of those who deserve human rights and justice in China. Where is China's patron saint? We need that person and that saint now.

Mr. Speaker, I rise in support of House Resolution 364, which urges the introduction and passage of a resolution on the human rights situation in the People's Republic of China at the 54th Session of the United Nations Commission on Human Rights.

I know that physically the United States can do little to relieve the suffering of people in other nations at the hands of their own governments. However, we as members of this representative body on the behalf of the American people can voice concerns regarding human rights policies which are inconsistent with our own interest and values.

The State Department's Country Reports on Human Rights Practices for 1997 state that the Government of China continues to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms, including extrajudicial killings, the use of torture, arbitrary arrest and detention, forced abortion and sterilization, the sale of organs from executed prisoners, and tight control over the exercise of rights of freedom of speech, press, and religion.

With this in mind this body must and should encourage the President to reconsider his decision announced just a few days ago not to press for a resolution on human rights violations in China and Tibet at the 54th Session of the United Nations Commission on Human Rights.

History is on the side of action in this debate on whether or not to press for a resolution at the upcoming United Nations meeting on human rights. We know that the release last year of Chinese dissident Wei Jingsheng after the U.S.-China summit and just before Chinese Justice Minister Xiao Yang arrived in Washington for talks with U.S. officials came as a result of pressure from the United States.

It is evident from what Wei Jingsheng and others have said that offering and debating this resolution at the annual U.N. Human Rights Commission in Geneva advances human rights in China and Tibet. In the past the Government of China has made some improvements in human rights just before the annual Human Rights Commission consideration of a China resolution.

We know that conditions for political prisoners improve when the resolution is being debated and they deteriorate when the resolve of the United States weakens.

The United States has stayed the course since 1990 participating in multilateral efforts to gain passage of a United Nations Commission on Human Rights resolution addressing the human rights situation in China. We should not at this point retreat from our position regarding the need to improve human rights in China.

China in the past has shown a willingness to respond to the concerns of the United States regarding human rights, and I believe that this resolution will make progress in that area. Therefore, I strongly encourage my colleagues to support of House Resolution 364.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York (Mr. GILMAN), the chairman of the full Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.Res. 364, and I want to commend the chairman of the Subcommittee on International Operations and Human Rights, the gentleman from New Jersey (Mr. SMITH), and the ranking minority member of his committee, the gentleman from California (Mr. LANTOS), for crafting this resolution and bringing it before us at this time.

I also want to commend the distinguished chairman of our Subcommittee on Asia and the Pacific, the gentleman from Nebraska (Mr. BEREUTER), and the distinguished chairman of our Committee on Rules, the gentleman from New York (Mr. SOLOMON), for their strong support of the measure; in addition to the gentlewoman from California (Ms. PELOSI), who has been an activist for human rights in China.

In response to Beijing's announcement last week that it would sign the United Nations Covenant on Civil and Political Rights, and the administration's desire to send President Clinton off to China on a Presidential visit, the Clinton administration has reported that it will not sponsor a China human rights resolution in Geneva. This is distressing to many of us. The President should reconsider his reluctance to underscore our Nation's opposition to China's consistent violations of human rights.

To say the least, Beijing's track record of living up to its promises have not been very impressive. Last October, for example, President Jiang Zemin signed another key treaty, the Covenant on Economic, Social and Cultural Rights, but the National People's Congress, now in session in Beijing, has not taken any action thus far to ratify that agreement.

In addition, Beijing has agreed to end the sale of nuclear and ballistic missile technology to nations that are linked to terrorism, but their sales continue. They continue to this very day.

Before the President visits China, he really should know when its leaders are going to sign, ratify and implement both of these covenants. The President also needs to know when Beijing will amend its 1993 state security law and when it will abolish administrative detention, including the use of reeducation through labor.

The President also needs to know when Beijing will review the sentences of more than 2,000 who have been convicted as counterrevolutionary offenders with a view towards releasing unconditionally those who are in prison.

And before the President's visit to China, he should be assured that the government in Beijing are going to give regular access to Tibet and to East Turkestan by U.N. and private independent human rights monitors. He should also wait until the Communist government has ended or eased

its registration requirements on religious activities and that it is taking concrete steps to protect freedom of association with Chinese workers.

Accordingly, I join with my colleagues in urging this administration and the President to reconsider their reluctance to sponsor the Geneva resolution and to put off the Presidential visit until we see some progress in those critical areas. I urge my colleagues to fully support H.Res. 364.

Mr. DAVIS of Florida. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time.

I wanted to make one additional point, Mr. Speaker, and that is to address the issue of the European Community not supporting the resolution this year. That decision by the EU does not bind the member states of the EU, and it is possible that some of those countries would support the resolution, and I certainly hope so, but it would require leadership on the part of the United States.

I wanted to make the point that Wei Jingsheng has driven home to us, and that is that as we are considering this resolution, and many of my colleagues feel much more comfortable dealing with human rights in China at the Human Rights Commission, and I think that is very appropriate, and this is not the time to talk about trade issues or MFN, however Wei Jingsheng would want me to say what he has told me over and over again, and that is that the huge trade deficit, $50 billion this year, that the Chinese enjoys with the U.S., it is a surplus to them, is money that they spend buying, buying, in Europe and other countries that are represented at the U.N. Commission on Human Rights, buying support.

They have effectively silenced any voices for support for this resolution, and they do it with our own money. How even more necessary for us to take leadership at the Commission.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself 30 seconds, before yielding to the distinguished chairman of the Subcommittee on Asia and the Pacific to make one additional point.

I think it is very important to point out that the Chinese Government, and Human Rights Watch Asia has done a very fine job in chronicling this, country by country, went out and sought members of the Human Rights Commission in Geneva and provided favors to those governments, money, building supplies, all kinds of materiel in order to buy out those countries from supporting the human rights resolution last year.

I would ask at the appropriate time that that be made a part of the RECORD so that Members can see how the Chinese Government methodically was able to silence its critics.

Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BEREUTER), the very distinguished chairman of the Subcommittee on Asia and the Pacific.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from New Jersey for yielding me this time.

As an original cosponsor of H. Res. 364, this Member rises in strong support of this resolution which urges the introduction and passage of a resolution on the human rights situation in the People's Republic of China at the U.N. Human Rights Commission in Geneva. The Commission began its annual session on March 16th.

This administration seems to believe strongly in using the United Nations where appropriate. This is the appropriate place for the human rights abuses in China to be brought to the attention of the world community. I regret the fact that it is not going to be pursued by the administration.

The resolution we have before us today, crafted by the gentleman from New Jersey, with input from many people, including this Member, quotes from the State Department Human Rights Report of 1997 noting that the Government of China continued to commit widespread and well-documented human rights abuses, which included extrajudicial killings, torture, forced abortion and sterilization, as well as expanded attempts to control religion.

Certainly Beijing is annoyed that year after year the United States has raised this issue at the U.N. Human Rights Commission. But for many in this body who are genuinely interested in Sino-American relations, human rights is an entirely appropriate U.S. concern. Thus, this Member regrets that late last week the administration decided not to press for a U.N. resolution censuring China for human rights abuses, citing that the Beijing Government is gradually changing it is progressive practices and may be ready to make new releases of political dissidents. That may be a correct conclusion. I hope it is. But I do believe it is the wrong approach.

I think we use this Human Rights Commission forum whenever appropriate. And while it is true that during the past year China has made some concessions, such as the release of dissident Wei Jingsheng from prison, this Member urges the administration to continue to press China on human rights even if the U.N. meeting in China, very unfortunately, is not to be the forum by the choosing of this administration.

As the Members of this body are aware, this Member supports engagement with the People's Republic of China. This year's summit represented expanded engagement of the PRC, which this Member believes will successfully promote Democratic ideals and standards throughout this country. That said, this does not mean that we should remain silent regarding human rights abuses in China.

The gentlewoman from California has brought up the European Commission and the European Union, and I think that is entirely appropriate. They say we are not going to pursue this in the U.N. Human Rights Commission because we believe in constructive engagement. Well, so do I, and so do many Members of this body, and so do the administrations of both parties, but that does not mean that we fail to use the U.N. Human Rights Commission.

I think it is a shameful lack of courage on the part of the Commission. I am talking about the European Commission and the European Union. It is true, as the gentlewoman said, that members are free to go their own way and support and introduce such a resolution before the U.N. Human Rights Commission. Denmark had the courage to do that last year. China threatened repercussions on Denmark when they took that stance, and perhaps they delivered on that. But I do not think that should be any excuse for the lack of courage on the part of the Europeans in this respect. And they are very quick to give us advice gratuitously. Let it be said that this Member, and I think many Members of this body, are discouraged and very upset with their decision.

This resolution, therefore, is an important statement on the part of the U.S. House of Representatives. It puts, through H.Res. 364, us on record that the very real human rights questions and concerns that the American people have raised regarding the PRC are certainly voiced in this body.

This Member again commends the author of the resolution, the distinguished chairman of the Subcommittee on International Operations and Human Rights, the gentleman from New Jersey (Mr. SMITH), for this initiative. He has pursued it previously, as already mentioned.

This Member also thanks the distinguished chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN), for assisting us in moving this initiative in such an expeditious manner.

Mr. Speaker, I urge all Members to vote for the adoption of H.Res. 364.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself 30 seconds to thank my good friend from Nebraska, the chairman of the Subcommittee on Asia and the Pacific. He is very much involved on a day-to-day basis with what is going on in China. We have worked cooperatively on this resolution. He had some very useful text changes, and we thank him for that.

I wanted to thank the chairman of the full committee, the gentleman

from New York (Mr. GILMAN), who is always a great friend of human rights; the gentlewoman from California (Ms. PELOSI); and I want to thank the gentleman from California (Mr. LANTOS), my ranking member of the subcommittee, and all the Members who have helped forge this legislation.

Mr. GEPHARDT. Mr. Speaker, I rise today as an original cosponsor of H. Res. 364, a resolution urging the President to secure passage of a resolution on China's human rights record at the annual meeting of the United Nations Commission on Human Rights (UNCHR) this month in Geneva.

During the past eight years, the United States Government has participated in nearly all of the annual efforts to pass a resolution at the UNCHR addressing the Chinese Government's human rights policies. This pressure has generated limited but important results, such as the Chinese government's signing of the International Covenant on Economic, Social and Cultural Rights and inviting the U.N. Working Group on Arbitrary Detention to visit last October.

I have long believed that we should press for improvements in the human rights situation in China through the use of multilateral forums such as the UNCHR, bilateral negotiations, and other mechanisms such as the annual debate over renewing Most-Favored-Nation status for China.

Critics of the annual debate on Most-Favored-Nation status for China, however, have argued that removal of MFN trade treatment for China is an instrument too blunt for the task at hand. They have urged that in place of U.S. unilateral action the U.S. should pursue efforts to ensure a multilateral approach to influence Beijing's human rights practices. When the Administration decided in 1994 to delink the MFN issue from human rights considerations, the President acknowledged that the multilateral dimension of our engagement on human rights in China remained critical. At that time, he stated that "the U.S. should step up efforts, in cooperation with other states, to insist that the U.N. Commission on Human Rights pass a resolution dealing with the serious human rights abuses in China."

To that end, earlier this year I wrote to the President with Democratic Whip DAVID BONIOR and Representative NANCY PELOSI to urge that the United States Government sponsor and actively lobby for a resolution on China's human rights record at this month's meeting of the U.N. Commission on Human Rights. In our letter, we argued that it would be a serious mistake, given the wide scale and continuing human rights abuses in China and Tibet, to remove that pressure before China takes concrete steps to comply with international standards. These steps must include significant improvement in China's overall human rights practices, including granting freedom of speech, association, and religion; enacting major legal reforms, including repealing state security laws and abolishing all so-called "counter-revolutionary" crimes; releasing political prisoners; acting to protect freedom of association for workers; and opening up Tibet to human rights monitors.

I was extremely disappointed to learn on Friday that the Administration has decided against pressing for passage of a resolution on China's human rights practices at the U.N. Commission later this month. Failure to press for passage of a resolution will seriously undermine our efforts to influence Chinese human rights policies and represents a step backwards in our efforts to advance the cause of freedom across the globe.

In making its announcement, the Administration noted that China intends to sign the International Covenant on Civil and Political Rights, which would bring about improved multilateral oversight of China's human rights practices. While I agree that China's participation in this Covenant will be a significant achievement if it follows through on its commitment, it does not adequately substitute for the annual review and dialogue provided by the U.N. Human rights Commission. After China's first year of participation under this Covenant, its human rights practices will be subject to international oversight only once every five years.

We must regularly review China's record in this area to continually draw international attention to its flagrant abuses of human rights. Only through such a review can we hope to sustain the momentum necessary to have any hope for meaningful and systematic changes in China's behavior. Examination of China's human rights practices only once every five years is insufficient to create any real momentum for change. In fact, this will best serve the Chinese Government's interest by keeping these issues out of public debate most of the time.

Furthermore, I am deeply concerned that a failure by the United States to take a leading role on this issue at this crucial juncture would bolster efforts made by China in recent years to eliminate all international comment on its human rights practices, and would further fuel China's efforts to weaken the definition of basic universal human rights and the mechanisms designed to protect them.

It would be particularly disappointing on the fiftieth anniversary of the Universal Declaration of Human Rights if China should succeed in its efforts to escape the scrutiny of the one international body mandated to protect and promote human rights. The U.N. Commission on Human Rights is one of the few instruments by which the international community has the opportunity to voice concern about human rights practices around the world. Lack of action at the U.N. Commission on Human Rights would greatly undermine multilateral pressure on the Chinese government.

I hope the President will reconsider his decision not to lead efforts at the U.N. Human Rights Commission later this month, and I urge all Members to support the adoption of this resolution.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 364.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

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

□ 1545

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 364, as amended.

The question was taken.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMMENDING DEMOCRACY IN BOTSWANA

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 373) commending democracy in Botswana.

The Clerk read as follows:

H. RES. 373

Whereas Sir Ketumile Masire has been involved in politics in his country since he cofounded the Bechuanaland Democratic Party (later the Botswana Democratic Party) with Seretse Khama in 1962;

Whereas Sir Ketumile Masire was elected to Botswana's first Parliament in 1965, later became Vice President under President Seretse Khama, and succeeded President Khama as President upon his death in 1980;

Whereas under President Masire's administration Botswana has maintained a successful multiparty constitutional democracy with regular free and fair elections;

Whereas President Masire plans to retire from the presidency on March 31, 1998;

Whereas the Government of Botswana has worked constructively with the Organization of African Unity, the Southern African Development Community, and other organizations to promote democracy in Africa;

Whereas Botswana is a long standing friend of the United States and was selected as the site of a major Voice of America radio relay station because of its stability; and

Whereas President Clinton plans to enhance United States relations with Botswana through an upcoming official visit to Botswana: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the people of Botswana for their commitment to democracy;

(2) commends Sir Ketumile Masire for his long and distinguished service to his country and the cause of democracy in Africa;

(3) calls on President Masire's successor to pursue the course set by President Masire by maintaining a democratic Botswana;

(4) calls on the Government of Botswana to continue playing a positive role in African and world affairs; and

(5) encourages the Government of Botswana to continue promoting peace, democracy, respect for human rights, and economic reform in Africa.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

California (Mr. ROYCE) and the gentleman from Florida (Mr. DAVIS) each will control 20 minutes.

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

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 373.

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

There was no objection.

Mr. ROYCE. Mr. Speaker, this resolution recognizes the government of Botswana and the people of Botswana for their long-standing commitment to democracy. Since he took office in 1980, President Ketumile Masire has presided over a government that has honored the democratic process. His government has been a model of democratically-rooted stability and development for Africa, and it has been a model for the world.

Botswana also is a long-standing friend of the United States and has played a constructive diplomatic role in Africa and in the world. Yet Botswana is a bit of a forgotten African country. This bill brings attention to Botswana by commending its people for their democratic commitment.

After nearly 18 years in office, President Masire is stepping down within days of our action here today. The resolution commends him for his service to his country. All too often, we criticize African leaders for the things they do wrong, but we seldom take the opportunity to commend them for a job well done. This resolution offers us the chance to send such a positive message.

Botswana has been at the vanguard of African democratic and economic reform. This southern African nation has been a model for its neighbors and in several forums has worked diligently to promote peace and cooperation. At this time of renaissance for Africa, it is altogether appropriate for us to acknowledge the positive role Botswana has made in Africa and on the world stage.

The bill has bipartisan support, as demonstrated by its unanimous approval by the Committee on International Relations last week.

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

Mr. DAVIS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to speak in support of the resolution.

Botswana is a success story. It is one of Africa's oldest continuous democracies. It has been active in promoting regional integration in southern Africa. Its military has a very professional reputation; and Botswana has been active in social programs, including conservation efforts.

Congress is going on record today in recognition of that success and commending President Masire for his leadership on the eve of his retirement. I hope this resolution will encourage Botswana to continue its democratic tradition and to continue its constructive foreign policies.

I would like to urge my colleagues to join the gentleman from California (Mr. ROYCE) and me in recognizing Botswana's success by voting yes on this resolution.

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

Mr. ROYCE. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to thank the gentleman from California (Mr. ROYCE), the distinguished chairman of our Subcommittee on Africa, and the cosponsors of this resolution, the gentleman from New Jersey (Mr. MENENDEZ), the ranking Democrat on the Subcommittee on Africa, and the gentleman from Ohio (Mr. CHABOT) and the gentleman from New Jersey (Mr. PAYNE). This resolution passed our committee by a voice vote March 12.

Botswana is highly deserving of the praise contained in this resolution. Its great progress on democracy and free-market economics since independence is a model for other nations in the region and elsewhere. I am pleased that President Clinton is going to be visiting Botswana later this month during his historic trip to Africa.

Botswana's neighborhood is southern Africa, which today is an island of stability on the troubled continent of Africa. Peace has taken hold in Mozambique, apartheid has been vanquished in South Africa, and the senseless killing in Angola appears to be over.

Even when this region was not so stable and when Botswana was surrounded by wars and oppressive regimes, Botswana managed to embrace the best of Western values and to provide its people with an increasingly higher standard of living. This is no small accomplishment in that part of the world.

Accordingly, I urge my colleagues to support this worthy resolution.

Mr. ROYCE. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER), a member of the Committee on International Relations.

Mr. BEREUTER. Mr. Speaker, I do want to thank my colleague, the chairman of the Subcommittee on Africa, for yielding me the time. I want to commend him and the gentleman from New Jersey (Mr. MENENDEZ) and all the cosponsors of this resolution.

As the gentleman from California mentioned a few minutes ago, sometimes it appears we only bring resolutions which criticize other countries. Here is an example of a country which has moved in a very exemplary fashion in so many areas.

Since its independence in September of 1996, Botswana has been a successful multiparty democracy. It has consistently scored high in human rights reports by the State Department. It has been a long-standing ally of the United States, and it has consistently supported U.S. positions in international fora. Through increased adherence to free-market principles, Botswana has experienced remarkable economic growth, it has made U.S. economic assistance unnecessary, and it has done it in a part of a continent where that is not always the case.

We often encourage African countries to spend money on social concerns such as education and health, and the President Masire government has done exactly that. Unlike so many other leaders in many countries and certainly in Africa, the President is stepping down voluntarily. The ruling Botswana Democratic Party offered him the chance to be exempt from new term limits on the presidency, but he refused. I think he is setting an outstanding example for the future in this multiparty democracy.

It is entirely appropriate that we do commend Botswana for the very impressive progress they have made. I commend my colleague for bringing this to the attention of the House.

Mr. ROYCE. Mr. Speaker, President Clinton is scheduled to visit Botswana later this month. I am scheduled to accompany him on that trip. We have spoken with the administration about this resolution, and they strongly support this measure as a positive sign to our friends in Botswana.

It would be my honor to present this resolution to President Masire on behalf of this House. I urge my colleagues to make this possible by approving this resolution today.

Mr. DAVIS of Florida. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, I rise in support of this Botswana resolution. President Clinton will be traveling to Botswana in March. He chose Botswana not only for the country's strong democratic values but the increase in economic growth. The economy is market oriented, with strong encouragement for private enterprise. The diamond revenues and solid economic and fiscal policies has resulted in improved growth. Per capita gross domestic product was approximately $2800 last year, and it is increasing at a robust annual rate of approximately 7 percent. I understand that elections should take place soon and the Botswana Democratic Party leader, Mr. Masire, will be handing over the reins to his Vice President. Many years ago in Africa

when a President took over, he was President for life. We have seen that in Malawi where life President Banda just recently after 30 years handed it over. This is a step really in the right direction.

Let me say that I had the opportunity to participate in a forum to voice my concerns to the NSC and State Department before the President embarks upon his journey to Africa. One thing that came out of the dialogue is that women are a dominant and important part of the economy throughout Africa. Ghanian women account for almost 90 percent of the market economy. I know the government of Botswana is working to make improvements in this area. Two years ago I applauded the government for taking the initiative to formulate a long-term plan of action to implement the National Policy on Women specifically working on property rights.

In conclusion, let me say that we should congratulate countries like Botswana and that they are eager to be in the first round of the Growth and Opportunity Act. As a matter of fact, for the last 4 or 5 years, Botswana has had a surplus of over a billion dollars each year which has been put aside into the coffers of that country. I would once again like to congratulate that outstanding country and look forward to visiting there with the President in the coming week.

Mr. ROYCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in strong support of the resolution. I want to commend the gentleman from California (Mr. ROYCE), the distinguished chairman of the Subcommittee on Africa, for offering this thoughtful and timely resolution. As a member of the subcommittee, I have had the pleasure of working closely with the gentleman from California (Mr. ROYCE). I think I speak for all the Members when I say we appreciate his able leadership. I also want to commend the gentleman from New York (Mr. GILMAN), the chairman of the committee; the gentleman from New Jersey (Mr. MENENDEZ), the ranking member of the subcommittee; and the gentleman from New Jersey (Mr. PAYNE) for their work on this resolution.

Mr. Speaker, Botswana is one of the great success stories of sub-Saharan Africa. As the President prepares to embark on his historic trip to that part of the world, it is fitting that we send along a message of commendation and encouragement to the government and the people of Botswana. Under the leadership of President Masire, Botswana has maintained a successful, multiparty constitutional democracy with free and fair elections. This resolution commends Mr. Masire on the occasion of his retirement and calls upon his political successors to continue promoting peace, democracy, respect for human rights and economic reform in Africa.

Mr. Speaker, this is a well-crafted resolution that deserves the support of every Member of this body. I want to again commend the gentleman from California (Mr. ROYCE) and the other Members that I referred to. I also want to commend the President on making this trip to Africa. I urge support for the resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the resolution, House Resolution 373.

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

A motion to reconsider was laid on the table.

CALLING FOR FREE AND IMPARTIAL ELECTIONS IN CAMBODIA

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H.Res. 361) calling for free and impartial elections in Cambodia, as amended.

The Clerk read as follows:

H. RES. 361

Whereas Cambodia continues to recover from years of political conflict, civil war, the era of Khmer Rouge genocide, and subsequent foreign invasion;

Whereas the 1991 Paris Peace Accords contributed significantly to a process of political accommodation, national conciliation, and the establishment of a state based on democratic ideals;

Whereas the people of Cambodia overwhelmingly demonstrated their support for the democratic process through the participation of over 93 percent of eligible voters in the United Nations-sponsored 1993 elections;

Whereas the commitment of the Cambodian people to democracy and stability is reflected in the national constitution guaranteeing fundamental human rights;

Whereas the international donor community has supported the democratic process in Cambodia by contributing over $3,000,000,000 to peacekeeping and national reconstruction efforts;

Whereas notwithstanding the notable societal and economic reforms made subsequent to the 1993 elections, tensions within the Cambodian Government continued to mount, culminating in the July 5, 1997, military coup by which Second Prime Minister Hun Sen deposed the duly elected First Prime Minister Prince Ranariddh;

Whereas the Hun Sen government has yet to adequately investigate the killings and human rights abuses which occurred at the time of the July 5, 1997, coup and which were detailed in the August 21, 1997, Hammarberg report;

Whereas Second Prime Minister Hun Sen made a commitment to the United Nations High Commissioner for Human Rights (UNCHR) to extend the mandate of UNCHR;

Whereas an ongoing atmosphere of intimidation has prevented many of the political exiles who have returned to Cambodia from carrying out their activities in preparation for the election scheduled for July 26 without fear;

Whereas questions remain concerning the independence and impartiality of the newly created National Election Commission;

Whereas the failure of the Hun Sen Government to agree to arrangements for the expeditious return of Prince Ranariddh calls into serious question the possibility of a credible election; and

Whereas the European Union has unwisely decided to provide 9,500,000 ECU's (approximately $11,500,000) in aid to the Hun Sen regime to prepare for the July election in the absence of conditions that would allow a credible election: Now, therefore, be it

Resolved, That the House of Representatives—

(1) calls upon the Cambodian Government—

(A) to fully implement the Paris Peace Accords;

(B) to enforce the rule of law and fully protect human rights, including a thorough investigation of the extrajudicial killings and human rights abuses which occurred following the July 5, 1997, coup and punishment of those involved;

(C) to restore a nonviolent and neutral political atmosphere, including strict adherence to the cease-fire announced on February 27, 1998;

(D) to allow all exiled opposition leaders, including First Premier Ranariddh, to return to Cambodia and to engage in political activity without fear of political or physical reprisal; and

(E) to take further measures to create mechanisms to help ensure a credible election, including a truly independent and impartial election commission and provisions to allow domestic and international observers to monitor the entire election process;

(2) commends the Association of Southeast Asian Nations (ASEAN) for its efforts to restore democratic governance in Cambodia and urges a continuation of these efforts;

(3) calls upon the European Union to reconsider its decision to provide assistance to the election process until such time as genuinely free and fair elections can be conducted;

(4) urges the Secretary of State to continue to provide support through appropriate nongovernmental organizations to the courageous Cambodian human rights workers who persevere in their difficulty task, despite the considerable risk at which they put themselves;

(5) calls upon the Secretary of State to work with members of the Association of Southeast Asian Nations and with members of the Donors group in urging the Cambodian Government to create the conditions which would guarantee a free and fair election;

(6) calls upon the Cambodian Government to work cooperatively with the Phnom Penh office of the United Nations Centre for Human Rights and urges the United States Government and the international community to support the efforts of the Centre to promote human rights in Cambodia by providing the additional financial assistance needed to increase the number of United Nations human rights monitors in Cambodia; and

(7) states its unwillingness to accept as legitimate or as worthy of United States assistance any Cambodian government that arises from a fraudulent electoral process.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Florida (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 361.

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

There was no objection.

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

Mr. Speaker, as the author of H.Res. 361, this Member rises to urge the government of Cambodia to create conditions which would ensure a free, fair, and credible election in that troubled country.

Mr. Speaker, this Member would tell his colleagues that 7 months after a violent coup ousted the democratically elected First Premier Prince Ranariddh from power, Cambodia's prospects for democracy remain a shattered dream.

Those democratic hopes were considerably brighter in 1993 when an international effort led by the United Nations oversaw Cambodia's first democratic elections. Nearly 90 percent of the eligible electorate took part in that contest which chose FUNCINPEC's Prince Ranariddh as Prime Minister. Hun Sen, however, refused to accept the people's verdict and threatened a coup if not allowed a major role in the new government. Hun Sen's stand resulted in an unnatural, and ultimately unworkable, coalition government.

The fragile coalition finally disintegrated last July when Hun Sen violently expelled Prince Ranariddh from the government. Many prominent opposition leaders fled into exile. Many of these politicians have now returned to Cambodia to prepare for the elections scheduled for July 26. However, because of continued intimidation by forces close to the Hun Sen regime, these politicians have not been able to conduct normal political activities. The media, as well, has been cowed by the same forces of intimidation.

Within Cambodia, human rights workers persevere in their difficult task, often at considerable personal risk. Today, 7 months after the fact, Hun Sen's regime has yet to investigate the many instances of extrajudicial killing that took place at the time of the coup and since, despite repeated calls for accountability from domestic and international groups.

H.Res. 361 cites the coup d'etat of July 1997 and subsequent extrajudicial killings, the ongoing atmosphere of political intimidation, the questionable impartiality of the election law and the newly created National Election Commission, and the failure of the Hun Sen regime to facilitate the expeditious return of Prince Ranariddh and his full participation in the election process as indications that conditions do not yet exist to conduct free, fair, and credible elections.

In response to these problems, H.Res. 361 urges the Cambodian government to fully enforce the Paris Peace Accords; to restore a nonviolent and neutral political atmosphere; to allow all exiled opposition leaders, including First Premier Ranariddh, to return to Cambodia and engage in political activity without fear of political or physical reprisal; and to take further measures to ensure a credible election.

H.Res. 361 then also calls on all sides in the domestic dispute to abide by the cease-fire of February 27, 1998. It commends the work of the Association of Southeast Asian Nations, ASEAN, and the U.N. Centre for Human Rights for their ongoing efforts to restore democratic governance to Cambodia. It calls upon the United States Government to continue its support for human rights NGOs in Cambodia.

Finally, H.Res. 361 states our unwillingness to accept as legitimate or worthy of U.S. assistance a Cambodian government resulting from a fraudulent election.

Mr. Speaker, the Committee on International Relations unanimously adopted H.Res. 361. This Member believes that H.Res. 361 represents a balanced assessment of the situation in Cambodia and our prescription for advancing democracy and human rights in that beleaguered nation.

This Member also thanks the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations, and the gentleman from Texas (Mr. ARMEY), the distinguished majority leader, for moving this initiative in such an expeditious manner.

This Member also expresses appreciation to the distinguished gentleman from Indiana (Mr. HAMILTON), the ranking member of the Committee on International Relations for his constructive additions to this resolution.

This Member also thanks the distinguished gentleman from California (Mr. BERMAN), the ranking member of the Subcommittee on Asia and the Pacific, for his assistance in speeding this resolution before this body.

Mr. Speaker, I urge adoption of H.Res. 361.

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

□ 1600

Mr. DAVIS of Florida. Mr. Speaker, I yield myself such time as I may consume. I strongly support this resolution and commend the gentleman from Nebraska for bringing it before the House today. The next few months may well determine the future of Cambodia for years to come. With good fortune and concerted effort on the part of the Cambodian people as well as the international community, democracy may begin to take root in Cambodia. But there is also a real chance that the forces of tyranny and hatred may triumph in Cambodia, once again bringing chaos and misery to that tragic land.

The resolution before us today represents a vote for democracy. It demonstrates our commitment to political pluralism and a Cambodia whose people can live in peace and without fear. It deserves our support. I urge my colleagues to join me in voting yes on this important resolution.

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

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time. Mr. Speaker, I want to commend the gentleman from Nebraska (Mr. BEREUTER), the distinguished chairman of the Subcommittee on Asia and the Pacific, for introducing this resolution that calls for free and fair elections in Cambodia and for keeping this issue in the forefront of the work of this House and before the public.

The people of Cambodia who expressed their overwhelming commitment to the democratic process in the U.N.-sponsored elections in 1993 deserve the unflagging support of the American people, of this body and our government and the entire international community. But as we well know, democracy is in dire danger in Cambodia. The illegitimate government of Hun Sen continues to oppress and impose its political will on the people of Cambodia and threatens the legitimacy of a democratic process that many, both inside and outside Cambodia, worked so hard to create. The people of Cambodia deserve much better.

With only 4 short months until the proposed July national elections, H. Res. 361 is an extremely timely resolution. It is critical that our body continue to bring to the attention of the American people and to the world the plight of Cambodia and those struggling for democracy there. We must also call upon others such as ASEAN and the European Union to do the right thing and to support a genuine democratic process in Cambodia by way of a free, fair and fully representative election. These elections must be fully representative of the Cambodian people and we should accept nothing less.

Although I believe my views on the subject are well known, I want to reiterate my strong support for the democratic forces in Cambodia and for the

good people of Cambodia who have suffered so much and deserve so much better. While all of us are disappointed in the current state of affairs, we are committed to bringing democracy, justice, peace and freedom once again to the kingdom of Cambodia and to the Khmer people. There is much work to do between now and the elections. I think this resolution expressing the sense of Congress is certainly a good and worthy start. I am proud to be a cosponsor. I look forward with the help of our colleagues to passing it today on the floor of the House.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume. I thank my colleague from New York for his comments. He is absolutely right. The people of Cambodia have been very long suffering. They deserve better. We are headed for a noncredible, disastrous election unless the world community lets the Hun Sen regime know that we will not accept election results, that we expect better, that we expect that candidates for office, including Prince Ranariddh will be able to come back and to campaign unimpeded by physical intimidation. This House will be asked to vote in a recorded vote in a few minutes. I would hope that my colleagues will give a unanimous positive vote for this resolution. This is a resolution where we may indeed have an impact on Cambodia and on the international community.

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

Mr. DAVIS of Florida. Mr. Speaker, I would like to thank the gentleman from Nebraska for his keen sense of timing.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, this should be a very busy time for this House. Many of us should come to the floor in support of these resolutions. I thank the gentleman from Nebraska (Mr. BEREUTER). I know that we spent some time together at the European Union on these issues. I think certainly H. Res. 361, if I might, simply adds to the importance of allowing for free and impartial elections, the rule of law and human rights.

I really rise, Mr. Speaker, as a member of the Human Rights Caucus, and therefore these issues are very, very near and dear to our effort and the message that I believe is very important as a part of this Nation's foreign policy. For too many we have been chastised for trying to be the police of the world. I would rather think of us as the conscience of the world. Certainly it is important with so many Cambodians here in the United States that we recognize the importance of free elections and human rights.

I believe that human rights allows a nation to stand on its feet. Human rights engenders economic opportunity and advancement. Human rights provides for opportunities to educate all of your people. Human rights gives the free marketplace an opportunity to work. And so H. Res. 361 is more than policing the world, it is opening the doors of opportunity.

With that, Mr. Speaker, I would like to add my appreciation and support of H. Res. 373, which is commending democracy in Botswana. Here we have a very small nation of 2 million people in sub-Saharan Africa. I had the pleasure of visiting it as part of the presidential mission in December. Probably to the surprise of many of my colleagues, this nation has been democracy filled for 31 years. In fact it has created a multiparty democracy. It is the oldest freestanding democracy in Africa with their first President elected, Mr. Koma, in 1966, who remained in office until his passing. With the present President Mr. Masire, who came in 1994, they have had an unblemished record of democracy. What has it engendered for them? A high economy, free housing for many of its citizens, peace in the streets. And so the question becomes to my colleagues, I hope that they will support both of these resolutions, because what does peace and human rights and justice beget us? It begets us the opportunities that we have here in this country. Yes, America's foreign policy and domestic policy are not perfect, but it certainly does not mean that we cannot stand up and demand and require our allies and friends to recognize the importance and value of human rights.

With that, Mr. Speaker, I would ask certainly for continued support and passage of H. Res. 373 and support for H. Res. 361.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to take a moment this afternoon to join in support of H. Res. 373 and recognize the remarkable efforts of the government of Botswana in stabilizing the practice of democracy not only in their own country, but throughout all of the Southern part of the African continent. Since its independence from British rule in 1966, Botswana has been nothing less than a powerful reminder to all of us about the untapped potential of having a politically liberated Africa. So in this very brief amount of time that I have been allotted, I want to share with you Botswana's secret; I want to cite the reasons why they have deservedly captured the attention of the world.

First of all, Botswana has captured the world's attention by creating a multi-party democracy that without exception is an outstanding parallel to our own. From the election of their first President, Seretse Khama in 1966, who brilliantly served the people of Botswana until his passing in 1980, to the re-election of their current President, Ketumile Masire, in 1994, Botswana has established an unblemished record of conducting extremely fair political contests. No ethnic, racial or religious minorities are excluded from participation in the electoral process. No one political party or affiliation stronghandedly dominates the political landscape of the country. In essence, the rule is simply that all of the citizens of Botswana after the age of 21 are given the opportunity to exercise the franchise, freely.

But most importantly, Botswana has captured our attention, because the will of its people is sovereign. The Constitution of Botswana establishes a system of government similar to that of our British allies across the Atlantic. Botswana has a parliamentary legislature with a traditional separation of powers that is equally divided by checks and balances amongst three independent branches of government: the executive, the legislative and the judicial. This is a system of government that is not much different than the one envisioned by Baron de Montesquieu, in his magnus opus, The Spirit of the Laws, over two centuries ago. It is a perfect and fair model of the ideal civil libertarian state. But despite all of these shining political achievements, we all know that a nation's political structure is only one part, albeit extremely necessary part, of a nation's success.

The fact of the matter is that a nation's future is as much premised upon its economic stability as it is on its political stability. And Botswana, in this arena as well, has done nothing but distinguish itself. All of the relevant statistics about recent financial growth in Africa indicate that Botswana's economy has been on an upward climb for over two decades now. This kind of responsible fiscal management is the reason why ground-breaking bills like the African Growth and Opportunity Act are being considered and passed in this House. Because today is truly a new age, my friends. This is an age where the human rights grievances and political instabilities of Africa's past are quickly slipping away. This is a time that will be remembered by future generations as the period when Africa began to move rapidly into the economy of the post-industrialized information age, as both our mutually beneficial partner and our friendly competitor. So I stand here proudly today to salute the nation of Botswana, to salute our many friends on the continent of Africa, and finally, to salute the prosperous future that I am sure we will have together.

Mr. DAVIS of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume. I want to thank the gentleman from Florida (Mr. DAVIS) and the gentlewoman from Texas (Ms. JACKSON-LEE) for their comments regarding Cambodia. The gentlewoman from Texas also made very commendable comments on Botswana.

Mr. Speaker, I urge unanimous support and a recorded vote for the Cambodia resolution to do what we can to ensure free and fair and credible elections in Cambodia.

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

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, House Resolution 361, as amended.

The question was taken.

Mr. BEREUTER. 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.

EXPRESSING SENSE OF CONGRESS REGARDING NORTHERN IRELAND

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 152) expressing the sense of the Congress that all parties to the multiparty peace talks regarding Northern Ireland should condemn violence and fully integrate internationally recognized human rights standards and adequately address outstanding human rights violations as part of the peace process, as amended.

The Clerk read as follows:

H. CON. RES. 152

Whereas multiparty talks regarding Northern Ireland attended by representatives of the British and Irish Governments and representatives elected from political parties in Northern Ireland are underway for the first time since the partition of Ireland in 1922 creating a momentous opportunity for progress on human rights concerns;

Whereas human rights violations and the lack of accountability by those responsible for such violations have been persistent features of the conflict in Northern Ireland; and

Whereas more than 3,000 people have died and thousands more have been injured as a result of the political violence in Northern Ireland since 1969: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the Congress condemns the violence committed on all sides of the conflict in Northern Ireland as illegal, unjust, and inhumane;

(2) the Congress commends the leadership in both the British and Irish Governments and former United States Senator George Mitchell, Independent Chairman of the multiparty talks, for fostering a new environment in which human rights concerns may be addressed and an agreement may be reached expeditiously through inclusive talks with respect to Northern Ireland; and

(3) it is the sense of the Congress that—

(A) all parties should reject violence and work diligently through democratic, peaceful means to reach a just and lasting peace in Northern Ireland;

(B) human rights should be protected for all citizens and any peace agreement in Northern Ireland must recognize the state's obligation to protect human rights in all circumstances; and

(C) there are a number of measures which can be taken immediately that would remedy abusive human rights policies and build confidence in the peace process, such as acting upon the Standing Advisory Commission on Human Rights (SACHR) report and recommendations put forth by other human rights organizations.

□ 1615

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Florida (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

First of all, this resolution is a bipartisan resolution. I am very pleased and honored to have the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, as one of the principal cosponsors of this bill; also, the gentleman from New York (Mr. KING); the gentleman from New York (Mr. MANTON); the gentleman from New York (Mr. WALSH); the gentleman from Massachusetts (Mr. KENNEDY); the gentleman from New York (Mr. MCHUGH); the gentleman from New Jersey (Mr. PAYNE); the gentleman from Connecticut (Mr. SHAYS); the gentleman from New York (Mr. HINCHEY); the gentleman from New Jersey (Mr. ANDREWS); and the gentlewoman from Connecticut (Mrs. KENNELLY) to name just some of the cosponsors of this H. Con. Res. 1252.

Mr. Speaker, we are expressing a sense of the Congress that all parties to the multiparty peace talks regarding Northern Ireland should condemn violence and fully integrate internationally recognized human rights standards and address the outstanding human rights violations as part of the peace process.

Mr. Speaker, I think it is important to note that Amnesty International, Human Rights Watch, the British Irish Watch, the Committee on the Administration of Justice, Lawyers Committee for Human Rights, and many, many others have urged that this House pass this resolution.

As a matter of fact, just to read some of their statements, Human Rights Watch said, "Human Rights Watch fully supports the resolution now being considered for passage by the Congress regarding human rights in the Northern Ireland peace process. The resolution rightly recognizes the gravity of past violations and the role that such abuses have played in perpetuating the conflict. The resolution is a signal that Congress is eager to prevent the same kind of lack of attention to human rights issues which has doomed other peace processes and may threaten the success of the Northern Ireland peace process if action is not taken now."

Mr. Speaker, the Committee on the Administration of Justice and I recently traveled to the north of Ireland, met with all of the parties, like other Members of this House have and other Members of the Senate, but I found that the Committee on the Administration of Justice tries to evenhandedly promote human rights. Whether they be Protestant or Catholic, a person's value and dignity must be respected.

Well, of the committee, Martin O'Brien stated, and I quote, "Any effort by Congress to raise these issues is particularly welcomed and deserves widespread support. In that regard, the initiative is to be supported, and it would be helpful if the concerns of the Congress on human rights be raised with the British and the Irish Governments," and it goes on, and I would put the full statement into the RECORD at the appropriate time.

Mr. Speaker, there is a great opportunity, a window of opportunity right now, especially on St. Patrick's Day, but in the coming weeks as part of these multiparty talks to come to a conclusion. We need to express in a bipartisan way, Democrats, Republicans, moderates, liberals and conservatives, that we are foursquare, fully behind this effort to bring peace to the north of Ireland where some 3,000 people have been killed by paramilitaries on both sides, as well as by agents of the British Government.

It is time to say no to violence; that no matter what dips may be in the road ahead, that violence is not a solution. Knee-capping and terrorism is not a means to an end, no matter how justified one may think they are. Whether it be the IRA on the Catholic side or perhaps on the Protestant side, some of the terrorist groups, all of those acts of violence are to be condemned, and we ought to be promoting peace, and that is, indeed, what we are doing. Thankfully, the United States is playing a very real and significant role.

Former Senator Mitchell is the chairman of these multiparty talks and has done an exemplary job in bringing the disparate factions together to try to come to a peaceful resolution.

Again, this window of opportunity is right now before them. The discussions begin in earnest again on March 23, and we expect, hopefully before Easter, that there will be a framework, there will be a final document produced; maybe that is a bit premature, but that is part of the expectation, and that a referendum could be held sometime in the latter part of May, perhaps in June, to begin or to further this process.

I found on that trip, and I have also had two lengthy human rights hearings in my subcommittee in which we heard from all parties, that the time for peace is at hand, and I think by going on the record today, we send a clear, unmistakable message that we, too, are watching and hoping and praying that peace will come to the north of Ireland and that human rights will be at its core. It cannot be an ancillary issue; it cannot be a P.S., a postscript at the end of the statement. They need to be integral in this peace agreement, and all parties, I think, need to recognize the value and the dignity of each and every human life, and that is what I think will lead to justice, and justice to a sustainable peace.

So I would hope that everyone could get behind H. Con. Res. 152 and we could make a unanimous statement here on the floor today that we are for this peace process.

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

Mr. DAVIS of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, I rise in support of ending the sad state presently in the north of Ireland. This resolution goes to the heart of the matter, and let me commend the sponsor and those who are supporting this great resolution.

I had the distinct pleasure last Thursday of introducing Mr. Gerry Adams, the President of Sinn Fein, at my alma mater at Seton Hall, at the university where thousands came to hear his talk. It was sponsored by the School of Diplomacy at Seton Hall, and he went on to discuss what must be done.

It will be 2 years this July since I visited the north of Ireland and had the opportunity to see for myself the violence and the killing associated with the Orange Order marchers in the village of Drumcree. I had the opportunity to stay in Belfast for several days and visited many towns, including Derry. Unfortunately, the situation today looks like a repeat of the past.

Before July, the north of Ireland will host seven parades. While I think that having constructive dialogue concerning the composition and makeup or whether the members are independent and impartial of the Parade Commission is good, it is just not enough. The dismissal and rejection of John Larkin leads me to believe that this body is a unionist commission for the unionist people. How can an apprentice boy, an ex-UDA member, an ex-member of the Policy Authority, be independent and fair? The celebration and victory of William of Orange, in which Irish land was seized and confiscated, is an insult to Catholics everywhere, and today for the parades to go on makes no sense.

Sadly, this parade glorifies a part of history and is provocative in nature. That is why I, along with Members of the Irish Caucus, have written Mo Mowlam urging the British Government to prohibit any marches by any group through any neighborhood in the north of Ireland, especially during the marching season.

When I was there, one could hear gunfire and shooting throughout the city. Police statistics estimated that there were 1,600 rounds of plastic bullets shot during the troubles. The plastic bullets severely maim and injure their victims. They are 3½ inches long and about 1½ inches thick. These are supposed to be used for crowd control, but they can kill, they can maim, they can injure, and young children have been hit with these and have found it to be fatal. My experience there moved me to introduce H.R. 1075, to ban the use of plastic bullets in the north of Ireland.

As we celebrate St. Patrick's Day, let us not forget the hard-working Irish immigrants that built the Delaware and Raritan Canal located in my State of New Jersey. State Senator Dick Codey has introduced a resolution asking the State to appropriate $50,000 to help build the monument to these great workers. Today, the canal supplies water to 1.2 million residents in central New Jersey. Although best known today for its picturesque scenery where joggers, bikers and fishermen go for recreation, little was known about the Irish laborers that died sometimes while working on the canal. Many of the canal diggers, sometimes using their bare hands, built these channels during the 19th century as the major link between manufacturers and their markets. There was a cholera epidemic which killed many of these men who were just buried on the side of the canal.

The canal opened in 1834 and quickly became one of the country's busiest navigation canals. New Jersey Governor Peter Vroom made the inaugural voyage at that time from Trenton to New Brunswick where crowds cheered at every bridge and lock.

The Hibernian raised $1,000 for the headstone to honor the men. Without much fanfare, they dedicated it just before St. Patrick's Day 3 years ago. We are looking forward to seeing this monument built in the State of New Jersey. Let me conclude by saying, as Dr. King said, that "injustice anywhere . . . justice everywhere."

Gerry Adams was born on October 6, 1948 in the working class areas of West Belfast.

Upon finishing school in the 1960's Gerry supported himself as a bartender while becoming increasingly involved in the civil rights movement. Modeled on the civil rights movement in the U.S., the Irish effort was founded to fight discrimination against northern Catholics by the British government in the areas of housing, employment, education and language. The brutal reaction of the Unionist government in the six countries resulted in the ultimate breach of civil rights—murder by the government of peaceful protesters at what has become know as Bloody Sunday. Lets never forget Bloody Sunday, January 30, 1972, a day that will live on in infamy.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker I thank the gentleman for yielding me this time.

Mr. Speaker, I am pleased to support this human rights resolution on Northern Ireland, H. Con. Res. 152. The distinguished Chairman of our subcommittee on human rights and international operations, the gentleman from New Jersey (Mr. SMITH) has done an outstanding job in crafting this resolution. It is highly appropriate that we consider this resolution today, St. Patrick's Day.

The Committee on International Relations has held extensive hearings on human rights and on fair employment in the north of Ireland during 104th, and in this current Congress. This resolution before us embodies many of the key findings and recommendations from those extensive hearings. We took firsthand testimony from many from Northern Ireland on the underlying causes and the troubles there. The need for respect for human rights is an essential element in finding lasting solutions for Northern Ireland. It is very clear from the long and disappointing history of the troubles in Northern Ireland. There have been far too many previous failed attempts at political solutions that neglected this key human rights concern.

The world must no longer neglect the need to promote fundamental respect for human rights and for economic justice in the north of Ireland. The need for fundamental reform, especially in the treatment of the minority nationalist community, must be a strong United States foreign policy priority and goal. Helping to make human rights a centerpiece of the solutions to the long and divisive troubles in the north of Ireland will have a salutary impact on the current search for lasting peace that is now underway in Belfast.

After many years of following very closely and visiting on numerous occasions the north of Ireland, I strongly urge support for this long overdue human rights initiative before our body.

Former Irish President Mary Robinson, now the U.N. High Commissioner for Human Rights, said it best not too long ago while visiting Capitol Hill. Mrs. Robinson made a key point that the adoption of human rights guarantees a very important part of a sustainable peace in Northern Ireland. Father Sean McManus of the Irish national caucus also helped to make clear what is needed and why in stating, "It is a violation of human rights that has been the fundamental cause of the troubles in Northern Ireland." Father Sean should know, for he is a native of Northern Ireland.

Accordingly, I urge adoption of this resolution by all of those concerned about peacefully securing lasting solutions and justice in Northern Ireland.

Mr. DAVIS of Florida. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New Jersey (Mr. MENENDEZ).

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

Mr. Speaker, today is St. Patrick's Day, a day when we celebrate the great

tenacity and spirit of the Irish. The color green reminds us of the mystical island, rolling hills and people which captivated St. Patrick. I look forward to the day when the Irish people, Catholic and Protestant alike, can revel in the great treasure that is Ireland without regard to their religious or political affinities.

There is reason to be hopeful. The peace process in Ireland, despite recent setbacks, is moving forward, and the labor government has adopted a more open posture on dialogue with Sinn Fein and has expressed a willingness to reopen the investigation into the events of bloody Sunday.

□ 1630

These are positive developments. However, they cannot and do not mitigate the Congress's concern about the pattern of human rights abuses against the Catholic population in Northern Ireland. History should not inhibit progress, but we cannot forget the repressive tactics used against the Irish people, from the potato famine to Bloody Sunday to the present day harassment and repression by the Royal Ulster Constabulary and the British system on persons like Colin Duffy. Trust remains something to be won, not given.

After years and years of intransigence and abuse, the Catholic minority is rightfully angry and suspicious. The history and abuse of human rights in Northern Ireland is long and treacherous.

From the confinement of Roisin McAliskey during her pregnancy; the inflammatory marches of the Orange Order, which we have again this year, as Mo Mowlam visits the capital today; that, in fact, the British government will understand the enormous consequences of those marches and the manner in which they have taken place and the potential risks to peace that they generate; the use of plastic bullets; the baseless harassment and imprisonment of persons sympathetic to the Republican cause; and the countless violations of human rights stemming from Britain's emergency legislation which governs the 6 northeast counties in Ireland. The populace of Northern Ireland has suffered myriad abuses of its civil and human rights.

The resolution of these long outstanding issues is necessary to begin the process of reconciliation.

I intend to introduce a separate resolution which endorses the CEARTA, a document drafted in Northern Ireland and endorsed by many Irish groups in the United States. It builds on the idea that there exists a historic opportunity to build peace in Ireland and recognizes that the people living in the north are entitled to the same basic rights as those residing elsewhere in Ireland.

It further calls for an end to the emergency legislation, reform of the legal system, the creation of unarmed and accountable police services, the end to all forms of discrimination, equality for the Irish language and culture, and the release of all political prisoners.

At this time in the marching season, we hope that the British government will have heard the many voices here in the Congress and abroad about the consequences. We hope they change that course of events.

I want to commend my colleague, the gentleman from New Jersey (Mr. SMITH), for introducing this timely resolution. I urge its adoption.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, let me thank my friend, the gentleman from New Jersey (Mr. MENENDEZ), for his kind remarks. We are in solidarity on this. I think this is again one of those issues that unites this Chamber.

Let me just close by noting that House Concurrent Resolution 152 puts Congress on record as supporting not just the peace process, which we all want hostilities to end, but also to put human rights at the core, at the center of those negotiations. It is timely and needed and will help ensure that human rights concerns are in no way overlooked when the final document is produced.

Mr. Speaker, the history of the "Troubles" of Northern Ireland are marked by violent crimes of parliamentary groups and at times by agents of the British government. The failure of the British government to protect the human rights of its citizens, especially Catholics in the north of Ireland, have helped to fuel the violence.

Notwithstanding the abuses perpetrated by partisan paramilitary forces or by the police, for that matter, we must remember that the essential responsibility for protecting rights and maintaining the rule of law belongs to the government which, in this case, at this particular time, is the British government.

When governments resort to methods that are illegal, unjust or inhumane, even when these methods are seemingly directed against the guilty or the dangerous, the effect is not to preserve law and order, but to seriously undermine it. It is particularly saddening that the British government, America's trusted ally, is the object of serious and credible charges of disrespect for the rule of law in the north of Ireland.

All of the major human rights organizations, from Amnesty International to the Lawyers Committee for Human Rights and Human Rights Watch, have been particularly critical of pervasive restrictions on the due process of law in Northern Ireland; and they have testified that law enforcement officials of the UK, members of the Royal Ulster Constabulary, tolerate and even perpetrate some of the gross abuses that have taken place in the north of Ireland.

Under so-called emergency legislation applicable only in Northern Ireland, police have expansive powers to arrest and detain suspects and to search premises without a warrant. In addition, the government can suspend the right to trial by jury, the much-maligned Diploic Courts Systems, and the universally recognized right to be preserved from self-incrimination in like manner has been abridged.

It seems to me that the power to arbitrarily arrest, detain, intimidate, the power to deny timely and appropriate legal counsel, and the power to compel self-incrimination is an abuse of power normally associated with some of our adversaries, not our allies.

Thus, the resolution is a wake-up call to our friends. Friends do not let friends abuse human rights.

Witness after witness, Mr. Speaker, who came into our two hearings expressed a fear that as the political issues are addressed, universal human rights such as the right to silence, the right to jury trial, the right to attorneys, the right to work free of discrimination will be neglected.

House Concurrent Resolution 152 puts on notice those who are negotiating and says, in a very friendly way but in a very firm way, that the U.S. Congress believes that there must be reform on human rights issues if genuine peace is to be achieved. It also points out that there are many human rights reforms that could be enacted today without waiting for a final peace negotiation.

Among the immediate changes are those proposed by Britain's own standing advisory committee or commission, I should say, on human rights, SACHR, to eliminate religious discrimination against Catholics in the workplace. Other reforms suggested by human rights groups, such as repealing the emergency legislation, conducting independent inquiries into the deaths of Pat Finucane, Robert Hamill and other human rights abuses, and banning plastic bullets, are all doable. If enacted immediately, these changes could help pave the way for further reconciliation, further confidence-building and, hopefully, for a lasting and sustainable peace.

Mr. Speaker, House Concurrent Resolution 152 has been reviewed and has been endorsed by all of the major human rights organizations. It does put us on record as standing foursquare.

Let me just say one final point, Mr. Speaker. In the upcoming weeks we hope to have an additional hearing in our subcommittee that would deal with an issue of very grave concern. That is the issue of defense attorneys in the north of Ireland. We have found, much

to my shock and dismay, an ongoing intimidation campaign against those who would defend those who have been accused of wrongdoing in Northern Ireland.

It seems to me that defense attorneys are not unlike those that we stood up for time and time again during the heydays of the Cold War, the Helsinki monitors, people who have stood up and said that due process must be protected. I may not like my client, I may not like what you say they are alleged to have done, but you are not going to intimidate the attorney that is there to defend them, because that would be a breach of due process and of basic human rights.

We are going to be looking at that in the coming weeks in the subcommittee, and hopefully by then this process will be that much further along, and this resolution that is under consideration in Belfast will have a happy conclusion.

I urge Members to support this resolution.

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

Mr. DAVIS of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I want to associate myself with the remarks of my good friend and the chairman of the subcommittee, the gentleman from New Jersey (Mr. SMITH), who has been a tireless fighter for human rights all over the world; certainly in Ireland, but all over the world as well.

I rise in support of House Concurrent Resolution 152. I think it is very fitting that we have this resolution today on St. Patrick's Day.

I have been to Ireland and the north of Ireland a number of times. I have struggled, along with the people there and many of us in Congress for many years, to try to bring peace and justice to the beleaguered people in the north of Ireland.

I think anyone who has visited some of the areas in Northern Ireland, particularly some of the Catholic neighborhoods, really gets a feeling of a people under occupation in Belfast and in Derry and some of the other places. But we can say, Mr. Speaker, that there is some hope. We can say that the atmosphere has improved, so that we hope that there will be an agreement between the parties in the talks led by Senator Mitchell.

I think there are a number of reasons why there is improvement. I think the British government, the current British government under Prime Minister Blair, has gone a great deal of the way in stepping forward, making progress. I think that helps create a better atmosphere. But there is still a long, long way to go.

This resolution, of course, rejects violence, as well we should; and a peace-loving people on both sides have to reject violence. Violence is not the way to act. But we also must understand that human rights must be protected. That is stated clearly in House Concurrent Resolution 152.

We know in the north of Ireland the human rights of people, particularly of the Catholics in the north of Ireland, have not been respected. There has been unemployment, 70 and 80 percent in some areas. There have been a lack of human rights. As I mentioned before, when you go into some of those areas, the bog side in Derry and some of the places in West Belfast, you truly feel that it is a people under occupation. That is wrong.

As the gentleman from New Jersey said, because Britain is our ally we have even more of an obligation to point out some of the shortcomings and some of the things that we wish would change.

So the struggle for peace and justice in Ireland will continue. It has to continue with the United States' participation. That is one of the ways that we can make progress and move forward. I compliment President Clinton for making this a priority, and I compliment the job Senator Mitchell has done.

There need to be a lot of steps taken. We need to have the emergency legislation repealed, and some of the other things taken.

Also, we have an issue here in the United States. There were many, many Irish deportees that do not want to go back to the north of Ireland because they fear for their lives. We were able to get a stay on that. We want the Justice Department to make this stay permanent. It affects at least two of my constituents, and I have circulated letters and have 30 co-signers of the letter calling on the Justice Department not to send these deportees back.

As you say, Mr. Speaker, I think House Concurrent Resolution 152 is the right resolution at the right time. We all pray for peace in the north of Ireland. We pray for peace and justice.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I would like to address a question to the chairman of our Subcommittee on International Operations and Human Rights, the gentleman from New Jersey (Mr. SMITH).

I would ask the gentleman, would he agree with what Father Sean McManus stated in a recent letter dated March 17, today, as a matter of fact, on the cause of some of the problems, the troubles in Ireland?

He said, and I am quoting from his letter, "Inequality is at the heart of the problem in Northern Ireland, and, therefore, equality must be at the heart of the solution. Passing the MacBride Principles into law is a perfect way for our Nation to show its support for the Irish peace process based on nonviolence and equality."

Would the gentleman agree with that?

Mr. SMITH of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, I agree fully with the MacBride Principles, which are patterned after the Sullivan Principles, which were instrumental in eliminating, or very important in the process of eliminating, discrimination in South Africa. They are contained, as we know, in the State Department Conference Report, which will be up tomorrow as part of the fund for Africa.

So I would hope Members would be put on notice that tomorrow, when we do vote on the State Department Conference Report authored by Mr. HELMS, my good friend, the gentleman from New York (Mr. GILMAN), and myself, that that contains the MacBride Principles, which advance the cause of religious freedom in the north of Ireland.

So I thank the gentleman for asking that question.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from New Jersey for reminding us that that important provision is part of the measure, the State Department authorization measure, which will be on the floor tomorrow.

Mr. Speaker, I include for the RECORD the full letter from Father Sean McManus.

The letter referred is as follows:

IRISH NATIONAL CAUCUS, INC.,
Washington, DC, March 17, 1998.

Hon. BEN GILMAN,
House of Representatives,
Washington, DC.

DEAR CHAIRMAN GILMAN: I want to thank you for again enshrining, the MacBride Principles in the Foreign Affairs Reform and Restructuring Act.

The MacBride Principles have proven to be the most effective campaign ever against anti-Catholic discrimination in Northern Ireland.

Inequality is at the heart of the problem in Northern Ireland, and, therefore, equality must be at the heart of the solution. Passing the MacBride Principles into law is the perfect way for the U.S. to show its support for the Irish peace process, based on non-violence and equality.

Chairman Gilman, Irish-Americans deeply appreciate your dedicated and outstanding leadership on Irish affairs.

Thank you.

Sincerely,

FR. SEAN MCMANUS,
President.

Mr. DAVIS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to briefly point out that it seems that there is virtually unanimity, if not complete unanimity, on the merits of the resolution before us.

It is very pleasing that we can share the fact with the public today that the historic and very delicate and complex all-party talks are progressing in Belfast. These talks will resume next week, with the participation of both Sinn Fein, the major Protestant Unionist Party, and the Ulster Unionists.

I also think it is important to point out that there was a better way to have handled this resolution today. It is appropriate and symbolic to have brought it up on St. Patrick's day; but, unfortunately, this side of the aisle had only a few hours' prior notice that this resolution was even coming up, which deprived us of the opportunity to confirm that the administration had been consulted on this.

The focus here today has been on how well-executed the plan has been in the all-party talks, and depriving us of the opportunity to work with the administration to ensure that that execution continues is an unnecessary risk.

Mr. Speaker, when we violate our own rules, when we circumvent our own process, we make some of our greatest errors. This version of this bill was heard in the Committee on International Relations, wherein lies the expertise of this body on foreign relation matters, which has been so clearly demonstrated today by comments on both sides of the aisle.

So I think it is just important to point out that in the future, when we take up significant matters like this, we really should honor our own process to assure that we produce our very best work.

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

□ 1645

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. LAZIO).

Mr. LAZIO of New York. Mr. Speaker, I want to thank the distinguished gentleman from New Jersey (Mr. SMITH) for his work on this resolution and the gentleman from New York (Mr. GILMAN), the distinguished chairman of the full committee, my colleagues and friends, for their work not just on behalf of this resolution but on behalf of the peace process in Northern Ireland. They have done remarkably good work.

I rise today in strong support of H. Con. Res. 152. This is at a particularly timely moment in the peace talks in Northern Ireland. America has strong historic and cultural ties to Ireland. We share a communal heritage and familiar backgrounds. However, with all of our resources we cannot solve this problem for Ireland and Britain. The will of the Irish and British people is the one element in the peace talks that will be the determining factor. At this pivotal moment, the fate of Northern Ireland lies in the hands of those involved in the negotiations. I commend both Bertie Ahern, the Taoiseach of Ireland, British Prime Minister Tony Blair, along with Mo Mowlam, British Secretary for Northern Ireland, John Hume, David Trimble and Gerry Adams for their commitment to working toward a peaceful resolution. I encourage them to seize this historic opportunity to end the violence in Northern Ireland and to put in place a new framework that encourages this end.

I will say that just in speaking to the parties today, being in America, they seem like they have moved closer together. There is better dialogue than ever before. Cultivating that peace process, that dialogue, that positive communication is something that we had been uniquely suitable to do.

The history of Northern Ireland is marked by the events of Bloody Sunday, the hunger strikes and many other tragedies. On this St. Patrick's Day let us renew our commitment to the negotiations and encourage the Irish and British governments to resolve their differences and come to a realistic framework for peace. I understand that when the negotiators return to the table, they will be faced with the Easter deadline. This is indeed a critical moment, but it is also exciting and hopeful and perhaps the very best chance for peace in decades.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself the balance of my time.

Just to conclude, Mr. Speaker, I urge every Member to vote for this resolution. Again it puts us on record supporting not only the peace process, but the all important inclusiveness of the human rights dimension. We do not want it to be a sub or a sidebar issue. It ought to be a mainstream issue. There is not evidence enough that it has been.

Let me also just say, as I have done in meeting with Mo Mowlam, and I know many of my colleagues have done this in the past, we have all raised specific questions and issues. I raised Sean Kelly and Michael Timmons when I met with her. Our hope is that these two gentlemen and others who find themselves in a similar circumstance or who have been incarcerated because of the common purpose laws, were not convicted of committing a crime but were in proximity to a crime and therefore found themselves getting life sentences for their unfortunate proximity to a heinous act. I met with those two individuals in the Maze prison last year. I was very much impressed. The human rights organizations with whom I have had contact with believe that they are innocent and our hope is that in the spirit of reconciliation and, above all, in the spirit of justice these individuals will find their way to freedom.

We had Sean Kelly's father testify at our hearing and he gave a very persuasive account as to what happened. Again, the human rights organizations have looked at these cases very carefully and have concluded that this has been a miscarriage of justice if ever there was one. So our plea to the government of the United Kingdom would be to let these individuals out. It is a positive step towards reconciliation, but above all it would be a step in the right direction towards peace.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise today to express my strong support for House Concurrent Resolution 152 which moves the issue of human rights to the forefront of the peace talks in Northern Ireland. We are at a crossroads in the history of Northern Ireland and have a unique opportunity to finally secure lasting peace in an area that has too often endured violence.

Since 1969, the political violence in Northern Ireland has claimed more than 3,000 lives and resulted in injuries to thousands more. This must finally end and all parties must work together in a democratic, peaceful manner, to ensure that human rights will be respected for all the people of Northern Ireland.

I am encouraged by the leadership of the Irish and British Governments and the efforts of former United States Senator George Mitchell, who have fostered the opportunity for an end to the violence and brought hope for a lasting peace in Northern Ireland.

I urge my colleagues to support this important resolution, and to support an end to the violence and human rights abuses in Northern Ireland.

Mr. MANTON. Mr. Speaker, I rise today in strong support of H. Con. Res. 152 and thank my colleague CHRIS SMITH for introducing this important and timely legislation to address human rights in the Northern Ireland peace process.

As a Co-Chair of the Congressional Ad Hoc Committee on Irish Affairs, I have worked closely with my colleagues to ensure a just and lasting peace in Northern Ireland. Nearly 3,000 people have lost their lives through the political strife that has plagued this community for over 25 years. Today, however, there is hope. With the leadership of former Senator George Mitchell, substantive talks between the British and the Irish governments, along with those representing various political parties, have made landmark progress.

I believe H. Con. Res. 152 sends a clear and strong message to all parties involved in these talks that they must address the central issue to the troubles in Northern Ireland—the denial of basic human rights. We, as Members of Congress, must raise this important issue and continue to demonstrate our support to finding an end to the violence in Northern Ireland.

In order to develop a lasting peace in this region, many of the blatant human rights abuses must come to a stop. The abuses of diplock courts, mistreatment of detainees in Northern Ireland, threats against business owners, and harassment by the police against citizens can simply no longer be accepted or allowed to continue. This legislation addresses these and other human rights abuses and strongly suggests that parties from both sides of the conflict to embrace and practice international human rights standards.

Although the MacBride Principle has had a positive impact on the economic and labor climate in Northern Ireland, Catholic males are still twice as likely as Protestant males to be unemployed. H. Con. Res. 152 encourages leaders in the peace talks to ensure that Catholics have the means necessary to receive the training essential to obtaining a job.

I commend the new leadership in Britain and in Ireland for their efforts on this issue. I believe the movement towards peace will be much swifter as these two governments address the need to reach an agreement on human rights. In addition, I know their leadership, along with that of former Senator George Mitchell, will foster progress and bring political, social and economic stability to Northern Ireland.

Mr. Speaker, thank you for allowing this important human rights measure to come to the floor. I also want to again congratulate my friend and colleague, CHRIS SMITH, for his leadership on this issue.

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

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 152, as amended.

The question was taken.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair announces that further proceedings on this motion will be postponed until tomorrow.

CALLING FOR AN END TO VIOLENT REPRESSION OF LEGITIMATE RIGHTS OF PEOPLE OF KOSOVA

Mr. GILMAN. Mr. Speaker, I move to suspend rules and agree to the concurrent resolution (H. Con. Res. 235) calling for an end to the violent repression of the legitimate rights of the people of Kosova, as amended.

The Clerk read as follows:

H. CON. RES. 235

Whereas the Albanian people of Kosova constitute more than 90 percent of the total population of Kosova;

Whereas the political rights of the Albanian people of Kosova were curtailed when the Government of Yugoslavia illegally amended the Constitution of Yugoslavia without the consent of the people of Kosova on March 23, 1989, revoking the autonomous status of Kosova;

Whereas in 1990, the Parliament and Government of Kosova were abolished by further unlawful amendments to the Constitution of Yugoslavia;

Whereas the Mission of Long Duration to Kosova, the Sandzak and Vojvodina, which the Organization for Security and Cooperation in Europe (OSCE) deployed in 1992, eased local tensions through objective human rights monitoring and facilitating dialogue between authorities and the various communities before the authorities of Serbia-Montenegro expelled the Mission in 1993;

Whereas the State Department's 1997 Country Report on Human Rights in Serbia notes violations of civil liberties in Kosova particularly in the following categories: political and other extra-judicial killing; torture and other cruel inhuman or degrading treatment or punishment; arbitrary arrest, detention or exile; denial of fair public trial; and arbitrary interference with privacy, family, home, or correspondence;

Whereas on the night of February 28, 1998, Serbian paramilitary police units, reported to number in excess of 25,000 men, swept through the Drenica region of Kosova killing more than 20 Albanian citizens, many of whom died from being beaten to death;

Whereas on March 2, 1998, 30,000 demonstrators peacefully marched in Pristina to protest the massacre of February 28 and were brutally attacked by Serbian police;

Whereas a group calling itself the Liberation Army of Kosova has threatened to retaliate against the atrocities committed by Serbian authorities;

Whereas new elections in Kosova scheduled for March 22, 1998, have now been postponed; and

Whereas the President of the United States and other officials have warned the Government of Serbia that there would be serious consequences if Serbian policies led to an escalation of violence in Kosova: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the violent repression carried out by the Serbian police and paramilitary forces against the ethnic Albanian population of Kosova should be condemned by the United States and the international community;

(2) efforts of the international Contact Group (the United States, United Kingdom, France, Germany, Russia, and Italy) in support of a resolution of the conflict in Kosova are to be commended and intensified;

(3) no international or United States sanctions currently in force against the Government of Serbia and Montenegro should be terminated at this time, unless such termination serves to support a peaceful resolution to the repression in Kosova;

(4) the United States should consult with its allies and other members of the United Nations on reimposing those sanctions against Serbia-Montenegro that were terminated following the signing of the Dayton Peace Agreement in 1995 if Serbian authorities continue to use unlawful violence against the Albanian people of Kosova;

(5) the United States should acknowledge recent developments in the Republic of Montenegro that indicate that the new leadership of the Republic is seeking a peaceful resolution to the repression in Kosova, particularly the statement by Montenegrin President Milo Djukanovic that Kosova must receive a certain degree of autonomy, and his call for a dialog between the Government of Serbia and Montenegro and ethnic Albanians in Kosova;

(6) the United States should, to the extent practicable, recognize positive actions by the Government of the Republic of Montenegro with regard to repression in Kosova through exclusion from those sanctions that may be applied to the Government of Serbia;

(7) the elections in Kosova originally scheduled for March 22, 1998, and now postponed, should be allowed to proceed unimpeded by Belgrade whenever they take place, as they represent the opportunity for a peaceful expression of the political will of the Albanian people of Kosova;

(8) all parties should refrain from acts that could lead to heightened tensions in Kosova;

(9) international and nongovernmental organizations that provide medical assistance should be permitted immediate and unrestricted access to Kosova and all of its citizens;

(10) international investigators of serious breaches of international humanitarian law should be granted immediate and unimpeded access to all parts of Kosova and to its citizens;

(11) the agreement on education in Kosova should be implemented immediately, including at the university level, allowing all residents of Kosova regardless of ethnicity to receive education in their native tongue;

(12) the elected leaders of Kosova should begin a dialog without preconditions with the authorities in Belgrade to resolve the present situation, and to provide for the exercise of the legitimate civil and political rights of all the people of Kosova;

(13) inasmuch as the Belgrade regime led by the last Communist dictator in Europe, Slobodan Milosevic, continues to abuse democratic norms and the rights of all its citizens, threatening general regional stability, the United States should undertake determined measures and provisions designed to promote human rights and democratic government throughout Serbia and Montenegro;

(14) the authorities of Serbia-Montenegro should cooperate fully with efforts and initiatives of the Organization for Security and Cooperation in Europe (OSCE) to address the problems in Kosova, including the immediate and unconditional return of a Mission of Long Duration;

(15) staff of the United States Information Agency office in Pristina, Kosova, should be augmented; and

(16) the United Nations Security Council should consider the question of restoration of the human and political rights of the people of Kosova and actions to halt Belgrade's violent repression of the region's population.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Florida (Mr. DAVIS), each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

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

Mr. Speaker, in recent weeks the world has witnessed the horrifying spectacle of violence again sweeping a part of the Balkans. Serbian paramilitary police forces brutally assaulted the long suffering people of the province of Kosova, more than 90 percent of whom are Albanian. Whole villages were attacked and their inhabitants were forced to flee into the hills. Entire families were massacred as Serbian forces fired indiscriminately into their homes.

When the Kosovars gathered peacefully to protest these atrocities, Serbian police met them with more brutality, first firing on the marchers with tear gas and water cannon, then beating anyone who came within reach.

It should be noted that the terrible war that destroyed the former Yugoslavia began in 1989 in Kosova, when dictator Slobodan Milosevic arbitrarily and illegally terminated the autonomous status enjoyed by Kosova under the Constitution of the former Yugoslavia.

The international community and our government in particular has repeatedly warned Milosevic of severe consequences should he be responsible for further violence in Kosova, where his government has forced ethnic Albanians from their jobs, from their classrooms and from their communities. He has apparently decided to ignore all these warnings. Using as a pretext the emergence of a group calling itself the Kosova Liberation Army, or UCK as it is known in Albania, Milosevic has ratcheted up his policy of making the lives of the majority of Kosovars a living hell through repression and brutality.

It is with the deepest concern that I introduce this measure now before us, H. Con. Res. 235, calling for an end to the violent repression of the legitimate rights of the Albanian people of Kosova. I want to thank my colleague, the gentleman from New York (Mr. ENGEL) for joining with me in introducing this measure.

With this resolution, Congress places on the record its concern over the worsening situation in Kosova and points to constructive measures that could lead to an improvement. In particular, the resolution urges all parties to refrain from violence. I fully understand and sympathize with the growing frustration of the Albanian citizens of Kosova who have peacefully resisted the repressive Milosevic regime for more than 10 years. However, that violence can only beget further violence in Kosova. Only through dialogue between the democratic leaders of the Kosovars and the regime in Belgrade can the situation be peacefully resolved.

It is in the interest of our Nation to do whatever we can to encourage a beginning of such a dialogue immediately and without any preconditions because there must also be some redress for the victims of violence and their families. The international community must be able to investigate any reports of violations of international law that would fall within the purview of the International Tribunal for the former Yugoslavia.

That is why this resolution calls for immediate access for international investigators as well as for organizations that can provide medical assistance to those who have been wounded. Hopefully, this resolution will assist the efforts of our Secretary Madeline Albright, Ambassador Gelbard and other diplomats to make clear to Milosevic and to the Serbian authorities that we view their actions with abhorrence and disgust and that we insist on the speedy and peaceful resolution of the problems in Kosova. We cannot and will not tolerate another Bosnia in the Balkans.

Accordingly, I urge my colleagues to send an important message to Belgrade by supporting H. Con. Res. 235.

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

GENERAL LEAVE

Mr. DAVIS of Florida. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on House Concurrent Resolution 235.

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

There was no objection.

Mr. DAVIS of Florida. Mr. Speaker, I yield 6 minutes to the gentleman from New York (Mr. ENGEL), one of the leading cosponsors of this concurrent resolution.

Mr. ENGEL. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Mr. Speaker, I was very happy to play a major role in writing this legislation. I want to thank my colleague from New York, the distinguished chairman of the committee, for introducing this legislation along with me.

We have reached a very important time in the region of Kosova. There are 2 million ethnic Albanians living there under Serb occupation and tyranny. We saw the extent of that tyranny, as the chairman mentioned, a couple of weeks ago when women, children and innocent people were just wantonly killed by Serbian police using helicopters and artillery. It was something that we ought not to see in the year 1998. It brought us back to the beginning of Bosnia and Bosnia, of course, is when the West did not object strongly enough and did not take strong measures early enough that we saw the tragedy in Bosnia with thousands upon thousands of people being killed in ethnic cleansing and genocide. We can see the same thing happening in Kosova if the world does not take a strong stand now.

This resolution, H. Con. Res. 235, is an attempt by this Congress to take a strong stand because we know that if the situation is going to be resolved in Kosova, it can only be resolved with the United States taking a very, very strong stand.

I have been to Kosova a number of times. I intend to go again either later this week or later sometime this year. I think it is very, very important that the United States stand up strongly for the rights of people for self-determination and freedom all over the world.

As chairman of the Albanian Issues Caucus, we have been talking, I have been talking about Kosova for many, many years and saying that a flare up like this could make Bosnia almost seem like a tea party, regrettably, compared to what could happen in Kosova. When you have 2 million ethnic Albanians, 90 percent of the population with no economic rights, with no political rights, with no human rights, you are bound to have a flare up. And for too many years Milosevic, leader of Serbia, has refused to even discuss these things with the Albanians in Kosova. He summarily took away their autonomy back in 1998. Some people are now saying let's go back to autonomy. Why would the Albanians want to go back into a situation that failed 10 years ago, that was summarily stolen from them 10 years ago. In the old Yugoslavia you had counterbalances to the Serbs. You had the Croats and the Bosnians and the Macedonians, the Slovenians, and it was not so dominated by the Serbs. Today in Serbia or Yugoslavia it is so Serb-dominated they have not given any freedoms at all to the Albanian citizens. Why would the Albanians want to go back into this situation?

So we have elections scheduled for later on this week. It is a little bit uncertain as to whether those elections will be held, but the people of Kosova must be allowed to express their desire in open and free elections. They must be allowed to elect their leaders and their parliament, which they did 6 years ago, and then they were not allowed to meet. So for 6 years there has not been any meeting of the Albanian parliament duly elected by the people of Kosova. This cannot continue. This must not continue.

What this resolution does is it condemns Belgrade's brutal crackdown in Kosova; again, the killing of innocent men, women and children. It calls for the maintenance of the current sanctions against the Belgrade regime and consideration of restoring the interwall of sanctions. If Milosevic does not do what he is being asked to do, which is to give basic freedom to people, we ought to consider slapping new sanctions on them. This supports the elections process in Kosova and sending monitors, and it is very, very important that we have monitors. It demands the full implementation of the education agreement, including at the university level. Again, Albanians cannot teach in their language, they cannot go to schools. It is just impossible.

I want to commend the Albanian students in Kosova. Their peaceful demonstrations have shown a tremendous level of maturity and must be supported by all freedom loving people around the world. This resolution also urges the U.N. Security Council to discuss Kosova, as well they should. This is a very, very important international incident and Kosova ought to be discussed by the Security Council. It calls for the return of the OSCE monitors, which were thrown away by Milosevic,

who will not allow international monitoring. We need international monitoring on the ground if we are to prevent a tragedy in Kosova. It encourages the expansion of the USIA office. I was proud to go there 2 years ago, to Pristina, the capital, and cut the ribbon for the United States information office. We ought to expand that office to show that we as a Nation are engaged, that the Albanians there know there is a friend in the United States, that the Serbs and Belgrade understand that we have a presence there where the American flag is flying and we care very much about what happens on the ground. And the European Union has just recommitted to opening their office in Pristina. They should do it as soon as possible.

□ 1700

In short, Mr. Speaker, what this resolution does, H. Con. Res. 235, is simply reinforce the goals which we hold dear as Americans; the right of self-determination, a condemnation of a brutal crackdown, and saying that the United States of America stands with the Albanian citizens of Kosovo because it is right to stand with them. It is right to say that they ought to have the freedoms. It is wrong for them to have no personal freedoms, to have 80 percent or more unemployment, to never have a chance to go to schools. This situation must end.

And what the Congress is attempting to do here in a bipartisan fashion is to say no more brutal crackdowns. This must be condemned by the world, and we want to see the right of self-determination. I would go one step further. I would implement a no-fly zone and continue to do different things that we must have in order to show our solidarity with the people of Kosovo.

But this resolution, I think, strikes the right balance at the right time, and I urge my colleagues to support the people of Kosovo who are crying out for our help. We can do this, my colleagues, by voting unanimously for H.Con.Res. 235.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, let me give a little different perspective. I do not disagree with my colleagues, but I would add maybe some enlightening information.

First of all, during World War II, it was the Serbs that fought with the Allies and the United States. I attended a dinner, a banquet of some 400 Allied and U.S. Air Force pilots that were giving their thanks to the Serbs for getting them behind and through the Croatian and the Muslim lines that fought with Nazi Germany.

I feel that in most cases during the conflict in the former Yugoslavia that the Serbs have been pointed out, maimed and not given equal treatment. I do not want special recognition, but I ask for a more evenhanded look at the Serbians in this conflict.

I do not think there will be peace in the Middle East in my lifetime, nor do I think there will be peace in the former Yugoslavia in my lifetime, but most certainly until we get rid of Milosevic, until we get rid of Izetbegovic, until we get rid of Tudjman, to me, this is the main problem. We need new leadership, we need youth, and we need a new direction for that to go.

If we want a real resolution, let us stop arming the Muslims that are tending to go further and further toward Iran and Iraq and surrounding themselves with the mujahedin out of both Iran, Iraq and Afghanistan. If we want to look at a real potential for the future, when we do end up pulling out, it is not going to be the Serbs coming after the Croatians or the Muslims, it is going to be the Muslims coming out for the Croatians and the Serbs if we continue with that.

I commend the gentlemen, but I would like to see more of an evenhanded approach. If this opens up for investigation into looking at the allegations, then it is good. But if it is just chastising one group over the other again, as it has in the past, then I do not think it is so good. So I will take a look at the resolution, and I thank the gentleman for the time.

Mr. DAVIS of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. LAMPSON).

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

Yesterday in, Galveston, Texas, I was visited by one of my constituents, Lisa Halili, who brought about 15 other people along with her, many of whom had relatives and certainly had friends in Kosovo. The story that they proceeded to tell me was one that was absolutely amazing.

The pictures that they brought of the murder of Lisa's father-in-law last week in Kosovo and the pictures of people who had been tortured, who have been butchered, have been sprayed with hot water, all while they were attempting to do peaceful demonstrations by carrying bread in their hands and by holding their fingers up in a symbol for peace, and then being attacked in the way that they have was something that I had a difficult time understanding. I do not understand how we could in any way stand by while people are injured and killed for participating in a nonviolent protest.

The Serbian Government must acknowledge the basic civil rights of all of their citizens. This bill condemns the violent repression of ethnic Albanians in Kosovo by Serbian authorities and calls for a dialogue between the Serbian Government and the leaders of the ethnic Albanians in Kosovo to end violence by all parties.

So I, too, join my colleagues in asking for an "aye" vote on this bill, but I would also ask that we might, as soon as possible, consider sending humanitarian aid in to these people, because I know now that there are other relatives of my own constituents in the Ninth District of Texas who are holed up in houses, fearful of being able to go out even in search for the medical attention that they need to treat the wounds that they presently have. They are able to get out or get messages out so that other relatives can call back here, and we are receiving word on a daily basis of the condition of these people, but it is unquestionably deteriorating.

As soon as possible, the Red Cross must be allowed in with safe passage as well.

Mr. DAVIS of Florida. Mr. Speaker, I yield 7 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

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

Mr. Speaker, I rise in strong support of this resolution and commend the chairman of the committee and the ranking member for their leadership on this issue.

I regret that the gentleman from California has left the floor.

Mr. Speaker, one of the things that made me nervous, very frankly, during the Cold War, was some well-meaning Members used to get up and draw parallelisms between Soviet actions and perceived problems in the United States. There was no parallelism or comparison to be drawn. And the gentleman from California that tries to draw a parallelism between the Muslims and Mr. Izetbegovic and the Croats and the Serbs, I would, with all due respect to the gentleman from California, strongly disagree.

President Reagan saw evil, and he called it evil. That was what it should have been, in my opinion, Mr. Speaker. Milosevic is evil. I do not come to this floor for a brief on Mr. Tudjman or Mr. Izetbegovic, but I see no parallel between the war crimes sanctioned by, led by and committed by Mr. Milosevic and the other two.

The fact of the matter, Mr. Speaker, is once again the butcher of Belgrade has struck, and the victims are his own citizens. Sadly, Mr. Speaker, we should not be surprised. This is a conflict that has been simmering for a long, long time; some would say centuries.

The new Chairman of the OSCE, Foreign Minister Bronislav Geremek of Poland, in mid-February, just 30 days ago, referred to the situation in Kosovo as, and I quote, a conflict in preparation.

As many of my colleagues know, Kosovo has been overshadowed for some years by the conflict in Bosnia.

Preoccupation with Bosnia, in fact, contributed to the maintenance of the status quo in Kosovo, especially since there was a strong chance early on for the Bosnian conflict to have a spillover effect on nearby regions.

Like a number of my colleagues, I have been to Pristina, the capital of Kosovo. I have talked to Kosovars, but, more importantly, I have talked to Milosevic's hand-picked representative in Pristina. And I asked that representative, "Is there one person, just one, one Kosovar, out of the 90 percent Albanian population in Kosovo, just one that you think is reasonable enough to sit down at the table with and discuss the resolution of the conflicts that exist in Kosovo?" That representative of Mr. Milosevic could not think of one name in all of Kosovo that would be an appropriate interlocutor for peaceful discussions of the resolution of conflicts. Is it any wonder, therefore, that conflict has not been resolved, if one side could not find one person with whom to discuss reasonable resolution?

The recent violence has shattered this status quo, and we are now faced with a possibility of further violence in Kosovo which could spill over into neighboring Macedonia and, indeed, Albania itself. Clearly, Slobodon Milosevic has fomented hatred between the people of the former Yugoslavia as a means to maintain power and ward off democratic development in Serbia itself.

In 1989, as has been said by my friend from New York, whose leadership has been so outstanding on this issue, Milosevic unilaterally and illegally revoked Kosovo's previous autonomy. He made discrimination against ethnic Albanians, who constitute 90 percent of the population of Kosovo, official policy. Discrimination was and is now official policy of the government in Belgrade.

He has repressed freedom of speech, and his police force has arbitrarily harassed, detained, tortured and, yes, even murdered innocent Albanians on a regular basis. The recent massive attacks by Serbian police and paramilitary units are said to be in response to the formation of the Kosovo Liberation Army, which seeks to fight repression with terrorism.

Mr. Speaker, terrorism in any form must be condemned loudly and unequivocally. Violence by either sides will only beget more violence. That said, however, the magnitude of the response by the Serbian authorities is reprehensible. The attacks on several Albanian villages, which left dozens dead, including women and children, and many others injured or displaced, is an absolute and undeniable contravention of the standard for the behavior of governments, as stated in Helsinki Final Act and numerous United Nations documents. They are to be condemned, and those responsible must face consequences.

Mr. Speaker, this resolution calls for the maintenance of sanctions against the Government of Serbia, the reestablishment of the OSCE mission, and the immediate implementation of the agreement on education.

I also support the contact group's call for the prosecution of war criminals, war criminals present in Yugoslavia, not just by definition of us on the floor, but of our own State Department under the Bush administration and under this administration. Mr. Speaker, I believe what has happened in Kosovo constitutes crimes against humanity, and the Hague-based tribunal should have authority to prosecute.

Finally, I agree with the contact group's recommendation of an adaption of the mandate for UNPREDEP, the U.N. peacekeeping force in neighboring Macedonia, which has, as we know, a U.S. contingent. If Kosovo explodes, its potential for direct spillover into neighboring countries is actually greater than it was for Bosnia, and we must be prepared for that threat.

Mr. Speaker, given our witness to the horrors which took place in Bosnia, we should be aware of the dangers in Kosovo, and we must not fail to act.

Mr. DAVIS of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise to support this resolution and to condemn thoroughly the brutal acts of repression and of murder that have occurred recently in Kosovo.

Last month Serbian paramilitary police units swept through Kosovo and killed dozens of ethnic Albanians. Many people were brutally beaten to death. Then, on March 2nd, during a peaceful protest against this massacre, Serbian police again attacked about 30,000 Kosovo residents.

□ 1715

This is an outrage. The actions of the Serbian government warn us that ethnic hatred still threatens to erupt into genocide. They must halt these actions immediately, and they must take concrete steps to ensure that this type of violent police oppression will never occur again.

Unfortunately, Slobodan Milosevic has made discrimination against ethnic Albanians official policy. He has made ethnic hatred and ethnic slaughter official policy in a fashion not seen in Europe since the Nazis.

We had ample warning that this brutality would happen. The State Department on Human Rights stated that "political violence, including killing by police, resulted mostly from efforts by Serbian authorities to suppress and intimidate ethnic minority groups." It went on to report that police repression continues to be directed against ethnic minorities, and police committed the most widespread and worst abuses against Kosovo's 90 percent ethnic Albanian population.

All of this was reported before the most recent incidents of this year. So we must act swiftly and firmly. The Serbian authorities must not be allowed to get away with these atrocities.

The work of the International Contact Group ought to be commended, but it must be intensified. They ought to make very clear to the government in Belgrade that another round of ethnic cleansing and of ethnic murder will not be tolerated.

International war crimes investigators and organizations providing medical assistance must have immediate and unfettered access to the people of Kosovo. International observers supported by the contact group must establish a presence in Kosovo and maintain constant vigilance against further Serbian abuses.

We must impose tougher sanctions against Serbia, and we must maintain an arms embargo against this brutal regime. We cannot sit idly by while the butchers in Belgrade use violence and oppression to maintain their political power.

We cannot allow the bloodshed and destruction that occurred in Bosnia to begin all over again in Kosovo. We cannot allow this violence to escalate and spread into neighboring nations and result possibly in a general war.

The elections scheduled in Kosovo should be allowed to proceed unimpeded by Belgrade, and the elected leaders who will be elected in Kosovo should begin a dialogue with the Belgrade authorities in an attempt to resolve the situation without violence.

These are just a few of the steps that must be taken in order to prevent further bloodshed and oppression.

Unfortunately, we have not acted soon enough to address these obvious and persistent abuses and murderous actions by Serbia, and today dozens of people are dead because of international indifference. The time to act officially is now. We must not waste any more time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the resolution, H. Con. Res. 235, calling for an end to the violent repression of the legitimate rights of the people of Kosovo. In recent weeks we have seen yet another outbreak of deadly violence in the Balkans, with the Serbian police and the military units striking certain regions in Kosovo and killing as many as 80 Kosovar Albanians.

I am an original cosponsor of the resolution, and I appreciate very much the work done by my colleagues, the gentleman from New York (Mr. ENGEL)

and the gentleman from New York (Mr. GILMAN), the chairman of the full committee, to bring this measure to the floor. The measure was considered in committee last week, at which time a number of amendments that I offered were adopted, including one asking that the OSCE mission be allowed back into Kosovo as soon as possible.

Mr. Speaker, we must all recognize that, despite the complexity of the Balkans, primary responsibility for nearly a decade of conflict in the former Yugoslavia lies squarely on the shoulders of Milosevic and his regime in Belgrade. Since 1989, when Milosevic unilaterally revoked Kosovo's autonomy, he has established as official policy discrimination against ethnic Albanians, who constitute 90 percent of the population of Kosovo, especially in terms of employment. Milosevic's police force in Kosovo is, in reality, more of an army, which has arbitrarily harassed, detained, tortured and even murdered innocent Albanians on a regular basis.

Tomorrow, in fact, the Commission on Security and Cooperation in Europe, which I co-chair, will be conducting a hearing on the issue of the repression and the violence in Kosovo. As the Commission has followed closely this situation in Kosovo, it has become clear that Mr. Milosevic responds to criticism only when there is a clear resolve that his aggression, violence, and abuse of human rights will invoke serious consequences.

I would note that the language of the resolution states that no independent national or United States sanctions currently in force against the Government of Serbia or Montenegro should be terminated at this time unless a judgment is made that such termination would help encourage a peaceful resolution to the repression in Kosovo.

In this resolution, we call on the authorities of Serbia-Montenegro to fully cooperate with efforts and initiatives of the OSCE, including the immediate and unconditional return of a mission of long duration. The mission mandate should focus on all of Serbia and Montenegro and should be held by a person of prominence.

Belgrade expelled the mission, you might recall, Mr. Speaker, in 1993 and has made its return contingent on the lifting of Yugoslavia's suspension in the OSCE. Both Kosovar Albanians and Kosovar Serbs have told us that the return of the mission is desirable. The mission would monitor the situation both in Kosovo and in Serbia and Montenegro and would facilitate local dialogue in order to help deter an escalation of conflict and the violation of human rights.

I believe, Mr. Speaker, that we should enthusiastically support the investigation and prosecution of the International Criminal Tribunal for the Former Yugoslavia of crimes against humanity committed in Kosovo. The events in Kosovo in recent days are reminiscent of what took place at the beginning of the Bosnian conflict in 1992, and they could similarly escalate into massive and violent ethnic cleansing.

Mr. Speaker, this is a very good resolution.

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

Mr. DAVIS of Florida. Mr. Speaker, I yield 1 minute to the distinguish gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I rise in strong support of this resolution. There is no defense to the massacre of 80 ethnic Albanians in Kosovo, innocent men, women and children. There are not two sides to this story of murder. Ethnic cleansing is evil, pure and simple. This is not an internal affair of Serbia. This could spill over into other places.

When I was co-chair of the Congressional Delegation that went to Belgrade a few years ago, we told Mr. Milosevic very clearly we would hold him responsible for his actions. This resolution does exactly that.

I remember the faces of people in Sarajevo that war, conflict and death might be over. And now the Serbs have brought destruction and death to Kosovo. We raise our voices to say to the Serbian government, no more. This resolution should be passed unanimously by this body.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to my friend, the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank my colleague and friend, the gentleman from New Jersey (Mr. SMITH), for yielding; and I thank the gentleman from Florida (Mr. DAVIS) and my colleagues on both sides of the aisle.

We are in agreement on this. This needs to be done. The whole free world needs to react to the brutality that is occurring in Kosovo.

Kosovo is a nation of 2 million people. They voted 7 years ago for independence status, along with their sister republics in Yugoslavia, Slovenia, Macedonia, Bosnia and Croatia. They were denied it even though they voted overwhelmingly for this status.

Slobodan Milosevic is only supported by 5 percent of the population, but yet he reacted to this vote with unprecedented brutality. Repression, beatings, murders, rapes go on constantly, many of them for the purpose of intimidating the population.

There are 60,000 Serb police, paramilitary and military forces that exercise complete control over 2 million Albanian Muslim Kosovars. It is wrong. It is unbelievable that this situation exists at the end of the 20th century.

When I was over in Kosovo, I saw the hospitals, the clinics closed, schools closed, physicians dismissed, businesses summarily closed by the Serb police. In fact, when the OSCE monitors were driven out of the country, the incidence of brutality and human rights violations increased 85 percent.

This was all monitored by a Council for the Defense of Human Rights and Freedoms that we met with in Pristina. Yet, when we met with them that very week, Serbian police had gone into their office and beaten them. Serbian police stole the photographs, the records that they had. When their attorney attempted to protest to the court, he opened his door that night and was bludgeoned on the head for protesting.

In this country, attorneys for the defense go to court. In Kosovo, they go to the hospital.

This is wrong. This is intolerable, what is existing. These people only want freedom. They want the opportunity to protect themselves and to exercise their most basic human rights.

We saw in one school where the Serbian government, through the police, had taken over half of the school that was supposed to be available for 1,000 children. There were a hundred or so Serbian children using half of it because they were Serbian, and there are almost 1,000 children limited to the other half of the school only because they were Muslim children. And they had bricked over some of the bathrooms.

One of the parents protested at this cruelty toward young children. And because he protested, because he had two young daughters in that school, he was mutilated, cut open from head to groin, and dumped on the doorstep of his family. This is the kind of thing that has given rise to the protests we read about today.

The OSCE human rights monitors need to be monitoring human rights violations. 90% of the population needs to be enfranchised—legally politically and economically. We will not have peace in the Balkans until their is justice in Kosovo.

The SPEAKER pro tempore. The gentleman from Florida (Mr. DAVIS) has 1 minute remaining. The gentleman from New Jersey (Mr. SMITH) has 7½ minutes remaining.

Mr. DAVIS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to urge my colleagues to support this resolution for the reasons that have been so eloquently expressed here today on the floor by both sides.

This resolution rightly calls for an end to the violent repression in Kosovo and for the beginning of a necessary dialogue between the Serb authorities and the leaders that will contribute to the return of legitimate civil and political rights for all the people there.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to comment on the current crisis in Kosovo. The recent death of four policemen

and 25 Albanians—followed by the March 5 assault of Servian forces against ethnic Kosovar Albanians—has marked a new stage in the Balkan crisis. The crackdown in Kosovo, the southernmost province of Serbia, has escalated the conflict between ethnic Albanians and the Serb leadership in Belgrade. Kosovo is home to an estimated 2 million ethnic Albanians and fewer than 200,000 Serbs. Old ethnic rivalries and tensions are running high in Kosovo.

Mr. Speaker, the United States and its allies need to take concrete steps to ensure that this latest round of violence in the Balkans does not spread to Albania, Macedonia, Greece and perhaps Turkey. We should take proactive steps by learning from recent history. We must encourage a meaningful dialogue between Serbs and Kosovar Albanian leaders that leads to peaceful solutions and protects basic human rights.

Mr. Speaker, the State Department has said that it supports "an enhanced status for Kosovo within the context of the Federal Republic of Yugoslavia [Serbia/Montenegro]." Our position is clearly a step in the right direction. It is responsible; it demonstrates our commitment to a peaceful resolution to the conflict; and it underpins our commitment to basic human rights.

One of the deplorable legacies of the Bosnian war is that human rights will be violated if the international community sits back and allows for abuses to happen. We go on record today stating that we will not tolerate abuses and violence. It is wrong, and it is absurd.

The 1995 Dayton Peace Accords clearly demonstrate that peace won't happen without considerable U.S. leadership. In fact, British Foreign Secretary Robin Cook recently met with Yugoslav President Slobodan Milosevic on the issue of greater autonomy for ethnic Albanians, and his comments are instructive: "I did not feel encouraged to believe that there is yet a recognition in Belgrade that there will have to be significant further steps of increased autonomy to Kosovo if we are to find an acceptable political solution (*Washington Post,* March 6, 1998)."

To this end, the political leadership of the ethnic Albanian majority in Kosovo has sought greater independence and freedom from Serb authorities since the early 1990s, but Serbia has flatly rejected the idea. Serbs see Albania as their cultural homeland. It is fitting that we respect and appreciate the Serbs' history but, at the same time, we must take steps to facilitate greater self-governance for ethnic Albanians. They comprise at least 90% of Kosovo's 2 million people. For me the message is clear: the U.S. must support fundamental human rights in the Serbian province of Kosovo. The ethnic Albanians deserve an enhanced political status and a heightened degree of autonomy. Again, autonomy, in a word, could be an antidote for further violence and bloodshed in the region.

Mr. Speaker, writing in Sunday's *Washington Post,* columnist Jim Hoagland helps policy makers return to key principles in this malaise we call the post-Cold War world. He reminds us of the value of human dignity and our fight for human rights. Hoagland reminds us that the "demographic laws of gravity" cannot be defied:

> Washington should cease paying tribute to territorial integrity maintained by brute force, whether that force is exercised in Serbia, Iraq, Indonesia or China. The United States should stop opposing in word and deed the aspirations of Kosovars, Kurds, Timorese or Tibetans willing to fight oppression visited on them by other dominant ethnic groups that have a monopoly on firepower and organized violence. . . . Big government in the form of nation-state superstructures like the Soviet Union and Yugoslavia, and big racial ideology in the form of pan-Slavism and pan-Arabism, have been tossed on history's ash heap in this decade. It is a time when the center does not hold,

especially in places like the Balkans, "when atomization is the dominant force in international politics."

Mr. Speaker, I encourage my colleagues to support H. Con. Res. 235 that calls for an end to violent repression in Kosovo. Most of all, I ask my colleagues to take a stand for basic human rights and the inviolability of human dignity.

Mr. BONIOR. Mr. Speaker, I rise today in strong support of this resolution to condemn the violent repression of the people of Kosova, and I comment my colleagues—Mr. GILMAN and Mr. ENGEL—for their leadership on this issue.

Over the past several weeks we have all seen the horrible images and listened to the cries of grief and outrage.

Those who were executed by the Serbian forces in front of their families last week have now been properly buried.

We mourn them, and extend our deepest condolences to the loved ones who survive them.

It is hard to fathom the cruelty of men who would randomly shoot people, proudly display their lifeless bodies like trophies, then bury them in a ditch.

But that is what we have seen.

It is hard to comprehend how such terrible hatred can so overwhelm a person, that it empties them of all compassion and humanity.

But that is what we have seen.

And it is also hard to understand how a people so brutalized can hang on to hope and keep going. But the ethnic Albanians of Kosova will prevail.

For nine years, Serbia has repressed and harassed them. Now this campaign of terror has degenerated into open slaughter, and many innocent people have died.

Today we join together to say: "No More."

This violence cannot continue, and we must do whatever it takes to stop the bloodshed.

Serbian aggression in Bosnia has taught all of us a hard lesson: that the United States and its allies cannot simply remain on the sidelines.

We brought peace to Bosnia only after we showed Slobodan Milosevic (pronounced Slow-buh-dahn Mill-oh-so-vitch) that his brute force would be countered with swift and decisive military action.

Now Milosevic must accept that he faces the same consequences if he does not halt his campaign of terror in Kosova.

Milosevic must also recognize the legitimate will of the people of Kosova for a free and independent state.

It's been said that you can bury the dead, but you can never bury a dream. Their dream of freedom is stronger than ever, and we stand with them today.

Mr. PAYNE. Mr. Speaker, I rise in support of this resolution. I wish I could say that Serbia's repression of Kosova comes as a surprise but I think we saw it coming by Slobodan Milosevic's aggression in the region.

If dialogue is to happen between the Serbs and the ethnic Albanians, then we must stop sending mixed messages and signals. Let me say that I think that we were too quick to reward Belgrade for its positive steps in Bosnia peace process without taking into consideration what was going on in Kosova.

One of the greatest fears is a spill over into Macedonia which would be terrible for many reasons [Greece and Turkey] not just geo-strategic ones. I wish I had been here to ask Robert Gelbard about what seems to be the approval of the 700 man extension of the UN peacekeeping force in Macedonia—UNPREDEP (Unpred)—whch was due to withdraw this summer.

I know that the election scheduled for March 22 was cancelled especially after the slaughter of 84 people. I understand that Robert Gelbard, in a private meeting with Milosevic, asked just for the families to see the victims bodies before they were buried. Even while Gelbard was boarding the plane, Serbia proceeded with the burial against the wishes of those that were mourning. In addition, let me say that when one side is really serious about talks they at least inform the other side of an agenda, time and place of the meetings.

Ethnic cleansing and massacrers cannot be tolerated whether in Rwanda, Bosnia or another Serbian enclave—Kosova. In response to the recent attacks, I along with other members of the Albanian caucus, have sent a letter to the President to address the deteriorating situation in Kosova. In conclusion, Kosova reminds me of the Tiananmen Square incident. Years later, we are still going on with "business as usual." I hope Pristina [Priss-stina] won't fall victim to this type of policy.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 235, as amended.

The question was taken.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's

prior announcement, further proceedings on this motion will be postponed until tomorrow.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution just considered.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule 1, the Chair will now put the question on the Speaker's approval of the Journal and then two motions to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: approval of the Journal de novo, House Resolution 364 by the yeas and nays, and House Resolution 361 by the yeas and nays.

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.

Ms. ROYBAL-ALLARD. 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 359, nays 38, not voting 33, as follows:

[Roll No. 53]

YEAS—359

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Biliraki
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
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
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHale
McHugh
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schumer
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Upton
Velázquez
Vento
Walsh
Wamp
Watkins
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—38

Becerra
Brown (CA)
Clay
Clyburn
DeFazio
Dickey
English
Ensign
Fazio
Filner
Fox
Gillmor
Hastings (FL)
Hefley
Hilleary
Hilliard
Hinchey
Jefferson
Johnson, E. B.
Kucinich
Lewis (GA)
LoBiondo
McDermott
Moran (KS)
Oberstar
Pickett
Ramstad
Rogan
Sabo
Schaffer, Bob
Sessions
Stenholm
Taylor (MS)
Thompson
Visclosky
Waters
Watts (OK)
Weller

NOT VOTING—33

Andrews
Bilbray
Borski
Cannon
Costello
Crane
Davis (IL)
Diaz-Balart
Doolittle
Dunn
Fawell
Gonzalez
Gutierrez
Hastert
Hunter
Inglis
Kennedy (MA)
Lipinski
Martinez
McDade
McInnis
McNulty
Moakley
Parker
Pickering
Poshard
Rush
Salmon
Sanford
Schiff
Stupak
Turner
Yates

□ 1750

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Speaker, on roll call no. 53, I was out of town attending a wake. Had I been present, I would have voted "yes".

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. ARMEY) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 17, 1998.

Hon. NEWT GINGRICH,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of the original Certificate of Election received from the Honorable Bill Jones, Secretary of State, State of California, indicating that, according to the semi-official canvass of votes cast in the Special Election held March 10, 1998, the Honorable Lois Capps was elected Representative in Congress for the Twenty-second Congressional District, State of California.

With warm regards,

ROBIN H. CARLE,
Clerk.

STATE OF CALIFORNIA—SECRETARY OF STATE

CERTIFICATE OF ELECTION

I, Bill Jones, the Secretary of State of the State of California, hereby certify

That according to the semi-official canvass of votes cast in the Special Election held on the 10th day of March, 1998 in the 22nd Congressional District,

Lois Capps was elected to the office of United States Representative—District 22, for the term prescribed by law.

In witness whereof, I hereunto set my hand and affix the Great Seal of the State of California at Sacramento, this 11th day of March 1998.

BILL JONES,
Secretary of State.

SWEARING IN OF THE HONORABLE LOIS CAPPS, OF CALIFORNIA, AS A MEMBER OF THE HOUSE

The SPEAKER pro tempore. Will the Members of the California delegation escort the gentlewoman from California, the Member-elect, to the rostrum to receive the oath of office.

Mrs. Capps appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely and without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God?

The SPEAKER pro tempore. Congratulations, you are now a Member of the Congress of the United States.

REPRESENTATIVE CAPPS BRINGS WEALTH OF EXPERIENCE TO CONGRESS

(Ms. ROYBAL-ALLARD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROYBAL-ALLARD. Mr. Speaker, LOIS CAPPS' journey to Washington, D.C., began in tragedy with the sudden death of her husband and our colleague, Walter Capps. Today, however, the journey has ended in joy and victory, not only for LOIS and her family, but for her constituents.

LOIS brings to Congress a wealth of experience as a health professional, community activist, and educator. LOIS was a nurse for the Santa Barbara School District for 20 years. In this capacity, she served as an elementary district nurse for the entire public school system. She was a coordinator of the teen parent program and was a health consultant for all child development programs. Since 1983, she has periodically taught in the Early Childhood Education Department at Santa Barbara College.

Thousands of Santa Barbara's children and families have benefited from LOIS's personal care and leadership. Under her direction, hundreds of young parents have received the encouragement and the support to stay in school as well as the child development education to ensure that their children grow up healthy and in loving environments.

LOIS also has vast working experience in the community, having devoted herself to many community organizations, including the American Red Cross, the American Heart Association, and the Family Service Agency.

During Walter's all too brief tenure, LOIS was an active partner, traveling with Walter around the central coast, to see firsthand the needs of the people he represented, and also, she traveled to Washington, D.C. where he fought for them and where she was one of the most visible of congressional spouses, frequently sitting in the gallery during votes and debates.

□ 1800

LOIS is committed to continuing the CAPPS legacy of reconnecting people to their representatives, to helping families improve their everyday lives through better schools, quality health care, and a cleaner, healthier environment. LOIS is also committed to following the CAPPS tradition of working with the delegation in its effort to find bipartisan solution to California problems.

We welcome LOIS to Congress and to our delegation. We know that she will be an effective advocate for her constituents, and we look forward to working with her to ensure that the priorities of her district and of all Californians are the priorities of this Congress.

LOIS, Walter would be very proud of your commitment and your dedication to the people of the 22nd Congressional District.

Mr. Speaker, I yield to the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader.

Mr. GEPHARDT. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, this is indeed a joyous day of celebration as we swear in a new Member of the Congress.

I would simply say this one thing. There are a lot of reasons attributed to political victories in congressional seats, but in my view this victory is due to the character, the integrity, and the wonderful citizenship of a woman named LOIS CAPPS. We are very proud of LOIS CAPPS.

A COMMITMENT TO MAKE GOOD ON THE TRUST OF THE CITIZENS OF THE 22ND DISTRICT OF CALIFORNIA

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I am so thrilled to be here. I want to acknowledge my family: our daughter, Laura; my sister, Frieda; Walter's brother, Roger, and his wife; my cousin, Chuck; and so many friends and staff members. You know I could not be here without you.

My heart is so full, as you know, as I stand where Walter stood so many times and looked out at all of you who were his treasured friends, and friendship that extended to me. How can I thank you for your eloquence in the memorials that you gave to him, to me and to him, following his death? Now you welcome me here today. I will always be grateful for this moment.

As I think of the citizens of the 22nd District of the central coast of California, who elected Walter just a year and a half ago, they trusted him. Now they have extended that trust to me, so I have come here to make good on that trust, to build on that trust.

I bring with me so many stories from the over 30 years that I have lived in our District. Just last Saturday I was at a community college, Cuesta Community College near the city of San Luis Obispo, and I heard the remarkable stories of five distinguished women being honored for their community service. I thought to myself, that is my inspiration. These are my role models to take with me to this place. I have brought them with me in my mind's eye today, and so many other stories like that.

During the last 4 months, Mr. Speaker, I have received the mandate, several mandates, from the citizens of the 22nd District of California. Despite the din of outside special interests, in language plain and simple, they have told me in no uncertain terms that they want us to work hard to make our schools better. As one who has spent a lifetime in the classrooms of my district, I know the importance of local control; but, believe me, this task is so great that we must all work toward this end. The goals are too important.

Business leaders have come to me, saying, I want to partner with education because the net result will be a work force, jobs that are meaningful, people's lives that are enhanced; the quality of life that we want in the central coast of California, yes, but throughout the country. This is what we need also to keep our economy moving.

As a nurse, Members do not have to tell me about the mandate to reform health care, to curb the excesses, to bring back patient-centered care, and to allow more access to it. For me, clean air and clean water are health issues. Where I come from, preserving a pristine coastline is a sacred trust.

Of course, the overarching mandate is, in all of our deliberations, LOIS, be sure to do this in a fiscally responsible way. My answer is, I had a good example in the 105th Congress in the Balanced Budget Act of 1997. I say to the small business owners in my district, yes, now we are going to go to work to simplify that Tax Code, to reform the IRS. They have told me in loud and simple terms that we must do this.

So you can see, Mr. Speaker, that I have come here ready to go to work. This is not a partisan task, because the

bottom line is the common good. That which unites us, not that which divides us, is of enduring value. And we all know in our soul, and I am so privileged to be a part, that in this place, in this House what we are about is nothing less than preserving and strengthening democracy. I thank you for the opportunity to serve.

URGING RESOLUTION ON HUMAN RIGHTS SITUATION IN PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore (Mr. ARMEY). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 364, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 364, as amended, on which the yeas and nays are ordered.

This will be a 15-minute vote, to be followed by a five-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 0, not voting 34, as follows:

[Roll No. 54]

YEAS—397

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
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
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
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
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
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
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
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
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
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—34

Andrews
Bilbray
Borski
Cannon
Collins
Costello
Crane
Davis (IL)
Diaz-Balart
Dunn
English
Fawell
Gonzalez
Gutierrez
Harman
Hastert
Hunter
Inglis
Kennedy (MA)
Lipinski
Martinez
McDade
McInnis
McNulty
Moakley
Parker
Poshard
Rush
Salmon
Sanford
Schiff
Stupak
Turner
Yates

□ 1826

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Speaker, on roll call No. 54, I was out of town attending a wake. Had I been present, I would have voted yes.

PERSONAL EXPLANATION

Mr. DIAZ-BALART. Mr. Speaker, had I been present for the vote on H. Res. 364, urging the President to criticize China's human right, violations at the United Nations, I would have voted "aye".

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to the provisions of clause 5 of rule I, the Chair announces that she will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

CALLING FOR FREE AND IMPARTIAL ELECTIONS IN CAMBODIA

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 361, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, House Resolution 361, 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 393, nays 1, not voting 37, as follows:

[Roll No. 55]

YEAS—393

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
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
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
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
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—37

Andrews
Bilbray
Borski
Cannon
Collins
Costello
Crane
Davis (IL)
Diaz-Balart
Dunn
Fawell
Gonzalez
Gutierrez
Hastert
Herger
Hunter
Hutchinson
Inglis
Kennedy (MA)
Largent
Lipinski
Martinez
McDade
McInnis
McNulty
Moakley
Obey
Parker
Porter
Poshard
Rush
Salmon
Sanford
Schiff
Stupak
Turner
Yates

□ 1835

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

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HASTERT. Madam Speaker, on roll call no. 55, I was out of town attending a wake. Had I been present, I would have voted yes.

PERSONAL EXPLANATION

Mr. DIAZ-BALART. Madam Speaker, had I been present for the vote on H. Res. 361, a resolution calling for free and impartial elections in Cambodia, I would have voted "aye".

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1415

Mr. DREIER. Madam Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 1415.

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

There was no objection.

AMENDMENT PROCESS FOR H.R. 3246, THE FAIRNESS FOR SMALL BUSINESS AND EMPLOYEES ACT OF 1998

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

Mr. DREIER. Madam Speaker, the Committee on Rules is planning to meet next week to grant a rule to limit the amendments which may be offered to H.R. 3246, the Fairness for Small Business and Employees Act of 1998.

Any Member who wishes to offer an amendment should submit 55 copies and a brief explanation of the amendment by 2 p.m. on Monday, March 23rd, to the Committee on Rules, room H-312 of the Capitol.

H.R. 3246 was ordered reported by the Committee on Education and the Workforce on March 11th, and the report is expected to be filed Wednesday. Amendments should be drafted to the text of the bill as reported by the Committee on Education and the Workforce. Until the report is available in the document room, copies of the text of the bill as reported can be obtained from the Committee on Education and the Workforce.

Members should use the Office of Legislative Counsel to ensure their amendments are properly drafted and should check with the Office of Parliamentarian to be certain their amendments comply with the rules of the House.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore laid before the House a communication from the Chairman of the Committee on Standards of Official Conduct:

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
Washington, DC, March 16, 1998.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that the Committee on Standards of Official Conduct ("Committee") has been served with a grand jury subpoena (for documents) issued by the U.S. District Court for the District of Massachusetts and directed to the Committee's "Keeper of Records."

After the consultation with the Office of General Counsel, the Committee has determined that compliance with the subpoena is not consistent with the precedents and privileges of the House and, therefore, that the subpoena should be resisted.

Sincerely,

JAMES V. HANSEN,
Chairman.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHIMKUS). 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.

TRIBUTE TO COLONEL PAUL G. UNDERWOOD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, I rise tonight in honor of a great American, an American who has returned home to be buried in his beloved country. Colonel Paul G. Underwood was not only a great American, he was also a beloved son, a brother, a husband, father and friend, who served our Nation as a brave pilot and who ultimately made the supreme sacrifice in the name of freedom.

Colonel Underwood began his military career by enlisting in the United States Marine Corps Reserve and then later transferring to the Air Corps. After attending school at Northrop Aeronautical School, he joined the Air Force where his flying duties led him to the F-105 Thunderchief.

Through the course of his distinguished military career, Colonel Underwood earned a number of awards; including the Distinguished Flying Cross, an Air Medal with four Oak Leaf Clusters, a World War II Victory Medal, a Vietnam Service Medal and a Purple Heart.

Prior to 1966, his war service to our Nation included World War II and Korea, with 201 combat missions. In January of that year, Colonel Underwood was deployed to Vietnam from Seymour Johnson Air Force Base in eastern North Carolina. While there, he bravely and nobly performed 22 combat missions.

Unfortunately, on March 18th, 1966, Colonel Underwood's F-105 Thunderchief was shot down. He was then listed MIA for 12 long years and was ultimately declared dead. The Underwood family was forced to suffer not only with a tremendous and almost unbearable loss, but also with a great deal of uncertainty. It was not until recently that Colonel Underwood's remains were recovered in North Vietnam.

Yesterday, 32 years to the date of his death, I had the honor and privilege to have the humbling experience of attending Colonel Underwood's funeral at Arlington National Cemetery. Mr. Speaker, I cannot express in words what this experience meant to me. So many, far too many, young Americans have been seriously wounded and have even given their lives for this country. So many families have suffered.

I would like to take this opportunity tonight to recognize and honor Colonel Underwood and his family and all those who have sacrificed and have either lost their own lives or lost a loved one in service to this Nation.

□ 1845

Ms. Gloria Underwood is a role model to us all. She is a remarkably strong person who, despite suffering through an almost unbelievable ordeal for 32 years now, managed to rise above many difficulties and to raise a fine family. I thank her from the bottom of my heart for including me in yesterday's very special service.

I would like also to remind the Underwoods and all families who have faced similar tragedies that, as sorrowful and difficult as the loss of a loved one in service must be, it is not in vain; it is for America and for all her future generations. Brave soldiers like Colonel Underwood are the Nation's strength.

The words are best expressed in the following lines written by Ralph Waldo Emerson in his poem, "A Nation's Strength," and I quote,

> Not gold but only men can make a people great and strong; men who for truth and honor's sake stand fast and suffer long. Brave men who work while others sleep, who dare while others fly, they build a nation's pillars deep and lift them to the sky.

Mr. Speaker, an American hero has returned home to his family and a grateful nation to take his place among the many war heroes that are buried at Arlington National Cemetery. He rose and fought and died for the many freedoms that we too many times take for granted.

I salute Colonel Paul Underwood, a true American hero, and his family and all those who have fought and died and suffered loss in the name of freedom. The men like Colonel Underwood have truly given this Nation its strength. Let us never forget their sacrifices, Mr. Speaker. And God bless America.

DIALOGUE ON RACE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Georgia (Mr. LEWIS) is recognized for 60 minutes as the designee of the minority leader.

Mr. LEWIS of Georgia. Mr. Speaker, I called a special order tonight with a bipartisan delegation, Members of Congress that traveled from Washington to Birmingham, Montgomery, and Selma during March 6 through the 8th. Along with Members of the Congress that included AMO HOUGHTON, EARL HILLIARD, SHERROD BROWN, TOM BARRETT, KAREN THURMAN, FRED UPTON, DIANA DEGETTE, ELIOT ENGEL, SHEILA JACKSON-LEE, we also had the head of the National Democratic Committee, Roy Roman, and Jim Nicholson, the Republican National Committee chair.

This trip was to be part of a dialogue on race, which was sponsored by Faith and Politics Institute under the leadership of Doug Tanner. These Members decided to travel to Birmingham to the site of the 16th Street Baptist Church and visit the church where four little girls were killed by a bomb on September 15, 1963, and from there to visit the Civil Rights Museum and to see some of the historic sites that changed America.

From there we traveled to the City of Montgomery, where we had an opportunity to visit the Dexter Avenue Baptist Church that Martin Luther King, Jr., was called to pastor in 1954 and where he led the successful Montgomery bus boycott.

We had an opportunity while we were in Montgomery to visit former Governor George Wallace and to talk with him, to shake his hand, to tour the capitol in the City of Montgomery, to visit the Civil Rights Memorial there and travel from Montgomery on early Sunday morning to the City of Selma, where we attended service at the Brown Chapel A.M.E. Church. And later we had lunch that was sponsored by the mayor of Selma, Mayor Smitherman.

In 1965, 33 years ago, in the City of Selma only 2.1 percent of blacks of voting age were registered to vote. In one county between Selma and Montgomery, Loundes County, that we traveled through on our way to Selma, in 1965 that county was more than 80 percent African-American. There was not a single registered African-American voter. But today in Selma in Loundes County in the State of Alabama we have witnessed unbelievable changes. It is a different State. It is a different place.

What I would like to do now, Mr. Speaker, is to yield to the gentleman from New York (Mr. HOUGHTON), my colleague and the co-chair of the Faith and Politics Institute and one of the real leaders of this whole Dialogue on Race.

Mr. HOUGHTON. Mr. Speaker, I thank the gentleman for yielding.

I am, obviously, honored and really moved to be here, as I was when we went on that extraordinary weekend. I think we all sort of feel that we walk in the shadow of JOHN LEWIS. We can reconstruct history. We can read about it. But to be part of history with a man like JOHN LEWIS, who was there and who suffered all the humilities and the physical beatings and the agonies of those times was really something.

I mean, I do not think I will ever get over it. As I mentioned to Mr. LEWIS, it was almost like my trip to the Holy Land. It was a religious experience. This was a group that did not have any legislative program. We did not want to start any new government project. But we wanted to deal honestly with ourselves. And I think Mr. LEWIS will agree that we did that. I know that he has always tried to deal honestly with us, and I hope we were able to do this with him and some of his associates down there.

It was extraordinary to see the people who were associated there. There was a wonderful lady. I call her lady now. But in those days, 30 years ago, she was a young girl; and when the conditions got very sad, she would break

into song and pull everybody's spirits up. She did it with us.

Really, it was a pilgrimage that we went through in going to those three extraordinary cities, going to the Civil Rights Museum, seeing that extraordinary civil rights piece of sculpture which Maya Lyn did, similar to the Vietnam Memorial.

I think the thing that meant almost as much to me was just being with this man here and listening to him. Let me give my colleagues just a couple of statements.

JOHN said in our meeting at the airport when we were about to return, he said,

> You know, there are two things that sort of come to mind here. First, every so often there is an issue, it is an important issue, it is usually a social issue. And if you feel strongly about it and there is an element of evil to it, you have got to stand in the way of it, you have got to stand in the way of it. And those of us who look at it and walk around it and walk on about our daily lives, it is really a cop-out.

And that is, of course, what happened. It was extraordinary to see the people who stood in the way of the civil rights issue.

The other thing that I think that the gentleman from Georgia (Mr. LEWIS) was talking about, and some of us were saying, how could you have been so patient? People were literally mauling them and beating them up. All the people we had talked to had been through the same experience. How could you show such restraint?

The gentleman from Georgia said, you know, we thought about that. I think it was every Tuesday night, we used to have these sessions of training prior to the march. We were taught to consider the people out there who were full of so much venom and hate not as our enemies, we did not have time to hate people, but as victims of a culture that they did not have any part of; they could not control themselves.

So with that, those two themes, the idea of standing in the way of something, standing up, doing something about it permanently, and that also doing it in this marvelous sense that Dr. Martin Luther King epitomized so well, it did something to us. It was far beyond just the race issue.

I think the interesting thing, if I can talk just a second more autobiographically, that we took these dialogues on race and the discussion which the Faith and Politics Institute put into effect and took them back into our districts. There were meetings all over the country.

We started talking race, but we ended up talking about ourselves and our children and our families and our communities. But we were being honest about it. It was an extraordinary transformation. I give that credit to this distinguished man standing over here, the gentleman from Georgia (Mr. LEWIS). We are the better for it.

In ending, I would just like to say, although most of us were not there with you at that time, I hope we can follow worthily where you have led the way.

Mr. LEWIS of Georgia. I thank the gentleman from New York (Mr. HOUGHTON) for those words. I think this is only a beginning toward us building that beloved community and moving toward laying down the burden of race. That is why the dialogue must continue.

I yield to my friend and colleague, the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. I thank the gentleman from Georgia (Mr. LEWIS) for yielding. I very much appreciate the opportunity to say a few words tonight. Especially, even more, I appreciated the opportunity to be part of a remarkable weekend in Montgomery and Birmingham and Selma.

I was there with my mother, who grew up in a small town in Georgia, and with my daughter Emily, who is 16. To watch the interaction between the two of them was remarkable in this kind of situation.

Margaret Mead once said many, many years ago that grandparents tend to impart wisdom to their grandchildren; that knowledge in this society is passed from grandparent to grandchildren.

So for my 16-year-old daughter Emily to listen to my mother talk about drinking fountains in the South that said white and said colored, the white drinking fountain was much nicer and newer than the drinking fountain reserved for African-Americans, and to spend these 3 days with the gentleman from Georgia (Mr. LEWIS) in Selma and Montgomery and Birmingham, to see what happened to him in these periods in 1965 and really in the many years in the 1960s when he was so much a part of the civil rights movement, so much a leader in the civil rights movement.

But what comes through more than anything that my mother and my daughter and all of us that were part of this pilgrimage to Alabama, what we all saw was the ability, the capacity for forgiveness. People that were literally trying to kill JOHN LEWIS, people that were beating, beating with sticks, or were giving political orders or whatever to hurt people like JOHN LEWIS. And to end this movement, that the gentleman from Georgia and others in the civil rights movement, people like the gentleman from Alabama (Mr. HILLIARD), were able to have a capacity to forgive in a situation like that.

It is a remarkable thing that, as the gentleman from Georgia forgave and as others in the civil rights movement forgave people that wanted to wrong them, it really did begin to change the hearts of those people who would either hit them with sticks or tromp them with horse's hooves or giving political orders to attack or to assault, those people's hearts were changed as the gentleman from Georgia and others forgave.

That is really maybe the most remarkable part about the week and the most remarkable part about the civil rights movement is the mayor of Selma, Alabama, who is a very impressive gentleman, who is now 68 years old, 34 years ago, he was elected mayor. Several weeks later, he met the gentleman from Georgia. He at that time called JOHN LEWIS a rabble-rouser and a troublemaker. Today, this past weekend, at lunch, he called JOHN LEWIS one of the most, if not the most, courageous person he had ever met.

This man had a wonderful capacity to change and open his heart up as people like the gentleman from Georgia had the same capacity to forgive and saw bringing together the races.

The best part about all of that is that we, for the first time in many people's lives that were in this trip, we heard African-Americans talk honestly about what it is like to be black, and then blacks were able to listen to white people talk about what it is like and to really communicate with each other, something that we clearly do not do enough of in this country.

So it was a remarkable time in the 1960s and throughout the civil rights movement and the last 200 years, but a particularly remarkable time as things began to more rapidly change. I think all of us, African-Americans and whites, on this trip were all changed for the better.

□ 1900

Mr. LEWIS of Georgia. Mr. Speaker, I yield to the gentleman from Michigan (Mr. UPTON), who was also part of our trip to Selma.

Mr. UPTON. I thank the gentleman for yielding. I just want to say I was very pleased to have joined this bipartisan effort, certainly not only as a Republican but more as an American, to actually have walked in the footsteps and to see some of those struggles. For me growing up in Michigan, never having really been to the South, never certainly been to Alabama until this weekend, two weeks ago, it was an amazing, extraordinary adventure for me. As I think about my district, diverse in so many needs and issues, whether rural and urban, industrialwise, in agriculture and diverse too in ethnicity, this was a very important trip for me, not only to understand some of the divisions that existed not only in the North but to see the real footsteps that the gentleman from Georgia (Mr. LEWIS) led in the South.

As the gentleman from New York (Mr. HOUGHTON) indicated before, though there were many of us that were sad that we were not with him back in the 1960s, for me I had an excuse as I might have been 7 years old, we want to finish this trail with the

gentleman from Georgia. As we traveled this way and spent substantial time not only on the bus talking about the trials and tribulations that he went through, but I know that for sure the dozen of us that were there are indeed much closer as Americans and as Members of this House in respecting those convictions that all of us have for each other and our views and our districts that each of us represents. As the gentleman from New York (Mr. HOUGHTON) indicated, it was a religious experience. One cannot describe it, certainly in the hour that we have here tonight, but in discussions certainly the Faith in Politics Institute began several months ago, as we see these unfold in the future. We love him. We love all that he did for America and for this House in terms of his leadership then and now. We certainly look forward to walking this path with him, with all Americans, as we try and end hatred and racism and things that sadly exist in far too many homes across this country.

Mr. LEWIS of Georgia. Mr. Speaker, I yield to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank the gentleman from Michigan for yielding to me. I was very privileged to also be part of the delegation which went with the gentleman from Georgia (Mr. LEWIS) to Alabama, to Birmingham, Montgomery and to Selma. It was as my colleagues have mentioned, a very, very moving experience. It was especially moving for me, Mr. Speaker.

I represent a district, a very diverse district in New York which is about a third African-American, a third Hispanic and a third white. We know better than most people that people have to live together and people have to work together. I think there is nothing that better personifies that than the civil rights struggle.

To my right is a picture of us in Montgomery, Alabama joining hands, locking hands and singing We Shall Overcome at the Southern Poverty Law Center. It was one of the very moving moments of the trip. Believe me, there were many, many moving moments at the trip, the feeling of working together and being together and joining in the struggle for civil rights together. Although people like the gentleman from Georgia (Mr. LEWIS), whom I refer to as a real American hero and the gentleman is a real American hero and it is an honor to be his colleague and to be in the House with him, the fact of the matter is we have come a long way in the United States in terms of race relations. But obviously we still have a long, long way to go. We can learn from the past. The past can help us learn and prepare for the future. To be down in Alabama at the 16th Street Baptist Church with those 4 little girls who were killed, one of those girls was my age when she was blown to bits. I remember it very, very vividly, hearing about it on the news. To be in the Dexter Avenue Baptist Church in Montgomery, where Dr. Martin Luther King was the minister, was really a feeling to behold. To go to Selma and to actually go over that bridge and to understand where history was made, on the highway past the spot where Viola Liuzzo was gunned down and to see all these other places that we read about, that we heard about, I was a little too young at the time to be able to make the trip down but I was old enough to understand what was happening.

I remember the first time I ever went to the South in 1967 with two friends and saw the signs, the segregated signs, and could not believe that this was a part of America. I think what one of our colleagues said, which is the genius of JOHN LEWIS, is how can someone go through what he went through and emerge not only as a person who is not bitter but as a person who understands the necessity of trying to bring people together and who continues to do that more than any other person that I know. It was just an honor for me and also a tribute, I think, to the gentleman from Georgia (Mr. LEWIS) and also just to be a part of it, to understand what this means to the United States, the greatest country in the world, we are honored and we are privileged to serve in the United States Congress representing the greatest country in the world, but we learn again from our past.

We know in the United States so many diverse people, coming together, living together, we are all Americans, we have different backgrounds. That is the genius and the greatness of our country, trying to bring people together, trying to accentuate the similarities in people rather than trying to accentuate our differences. That is what I try to do in my district in New York. I know the gentleman from Georgia (Mr. LEWIS) has been doing it for his entire life. I just want to say to my colleague from Georgia that it was an honor and a privilege being with him that weekend in Alabama. It is an honor and privilege serving with him. We need to all move forward and to continue to bring people in this great country together. The people who did this 33 years ago and 35 years ago and before that in the civil rights movement are truly the people who made this country better for all of us.

Again, we still have a long way to go and we have to keep being resolute in saying that in this country we need to continue to have dialogue. I commend President Clinton for his dialogue on race. We need to learn from the past and we need to move forward for the future. I was honored and privileged to be part of the delegation. I look forward to a continuing dialogue in making race relations in our great country better and better and better.

Mr. LEWIS of Georgia. Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Speaker, I think all of us felt the same way, all of us who were on this weekend. It was probably one of the most, if not the most, amazing weekend I have spent in my 5½ years in Congress. We all fashion ourselves as busy people, sometimes we are too busy to take the time to talk to each other, to get to know each other but, more importantly, we do not take the time to reflect and find out from our backgrounds what we can do to bring us together.

For me this was just a weekend I will never forget my entire life. Going down to Alabama for the first time in my life, traveling with the gentleman from Alabama (Mr. HILLIARD) through his district, he was a wonderful host, and with the gentleman from Georgia (Mr. LEWIS). Someone remarked the weekend was a lot like taking a history course taught by the professor who created the history, because JOHN LEWIS was such an integral part of this. For me to go home and tell my family and my friends what an amazing weekend it was really is going to have an impact.

For me there were several things that really jumped out. Probably the part that I will remember the most is when we went to visit former Governor George Wallace. The number of us, I think, northern Democrats when we went into the room, he is not a person that in my neck of the woods was a person that I grew up respecting in all honesty. But when I saw JOHN LEWIS and EARL HILLIARD go up and greet him, I thought, well, if they have room in their heart for forgiveness, I should have room in my heart for forgiveness as well. But it was not something that came easy. For me to see the remarkable degree of calmness that was displayed and has been displayed by the gentleman from Georgia (Mr. LEWIS), again I went home and remarked to my wife, "This is an amazing guy. He shows no anger, he shows no bitterness." I do not know that there are many people in this world who could have done what he did and not showed any anger or bitterness. Someone else said to me, he was 21 years old or 22 years old when he did this. Would you have had the courage to do that when you were 21 or 22? I said, "I don't know that I would have the courage to do it now." Because he was putting his life on the line and all the people who were involved in this struggle were putting their lives on the line. As we have sat around, and we have for several evenings talking about our backgrounds, I and the gentleman from Michigan (Mr. UPTON) and the gentleman from Ohio (Mr. BROWN) and some of the younger Members here, I felt a little, I do not want to say unworthy but I did not

have the same shared experience because people who were 10 or 15 years older than I had gone through lot of this. So as we went around the room and people said what they were doing at this period, I was in the third, fourth or fifth grade, I was probably playing softball or something like that. I did not have a shared experience. I did not know whether I had anything I could add to this conversation. But as I left that weekend, what I probably came away with more than anything is that this is not a struggle that is over, this is not even a struggle that has been resolved in a way that people can say, "Well, let's move on to something else." It is a struggle for human beings to get to know each other and to try to shed our differences and try to find out what we have in common. For that I thank the gentleman from Georgia (Mr. LEWIS), I thank the gentleman from New York (Mr. ENGEL), I thank the gentleman from Alabama (Mr. HILLIARD), I thank the gentleman from Ohio (Mr. BROWN), the gentleman from New York (Mr. HOUGHTON), the gentleman from Michigan (Mr. UPTON), the gentlewoman from Florida (Mrs. THURMAN), the other people who were on this trip because I think it helps us all grow. I think what this institution needs is to talk to each other and try to come together.

Mr. LEWIS of Georgia. Let me just add before the gentleman from Alabama (Mr. HILLIARD) speaks, just to thank him again for being such a great host. We were in his district the entire time in Birmingham, in Montgomery, in Selma. We want to thank the gentleman.

Mr. HILLIARD. I thank the gentleman from Georgia (Mr. LEWIS) very much. Let me thank all my colleagues. It was indeed a privilege and a pleasure for us to entertain you and to walk back into history with you. The civil rights movement presented a difficult thing for our Nation at a very difficult time, but it was Americans like the gentleman from Georgia (Mr. LEWIS) that made the difference. To walk back into history with him and with a few of the other people who participated in the civil rights movement at that time and to walk back with colleagues of mine who had not participated but who had a chance to see firsthand some of the things that took place, the films we saw, the movies, the videos, being able to once again cross the Edmund Pettus Bridge, being able to walk through the Civil Rights Museum in Birmingham, Alabama, and to visit the Civil Rights Institute was indeed something that does not happen often. We were pleased to have all of you walk what we call the Civil Rights Trail in Alabama. We did not get a chance to walk all of it. We did not get a chance to even walk the majority of it. But the most important thing, we were there and because you came, the press came, and we had a chance for America to look back at its past, to recall some of the terrible events that took place, and hopefully to enlighten some of the young people who were not born 33 years ago, who did not know of our Nation's past, so that they would have a chance to learn about it and hopefully to have such an appreciation until they would dedicate themselves to freedom for everyone, so that it would never happen again in America.

The treatment that you receive and others in trying to cross the Selma-Montgomery Trail, in trying to cross the Edmund Pettus Bridge and in walking from Selma to Montgomery was inhumane and it was not the type of treatment that Americans are used to. It is a thing of the past. It is something that we should never forget, but it was the past. When we reflect back, when we look at what took place, it gives us an opportunity to see what happened and to keep it before the public so that never again will it be a part of our history, not to any minority, not for any reason, so that we could really enhance the democracy that we have.

□ 1915

So having the opportunity to have so many congressional types in our Alabama on such an occasion was indeed a good experience, not only because of the presence of my colleagues, but because of the fact that we had a chance to visit George Wallace; we had a chance to dialogue with the head of the two major parties in this country, and they had a chance to participate.

So it was really enjoyable and educational, having all of my colleagues there. We appreciate you. We invite you back. We want you to come, and we want to go to the next level the next time. We will be talking about that in the coming months. Hopefully, we will do it from this podium.

Mr. BROWN of Ohio. Mr. Speaker, one of the lighter moments of the trip, perhaps, was we met the fellow, I believe Deacon McNair, in the church, and we will put his picture up in a moment. He is, I believe, 89 years old, he told us, sort of soft-spoken, a slightly built man, who told us as he ran through sort of the history on the wall, this was the church in Montgomery where, the Dexter Avenue Church where Dr. King was called. And he told us the story that in 1954, I believe, when Dr. King would have been 24 years old, 1953, I guess he would have been 24 years old, and he had already accepted his first church, his first calling at a church in Chattanooga, and this gentleman in Montgomery decided that he was going to do something about that. So he drove his car over to Atlanta and met with Dr. King's parents and Dr. King and convinced him not to go to Chattanooga, but instead to go to Montgomery. So he changed history when he did that.

I see the gentleman from Alabama (Mr. HILLIARD) laughing, because I imagine he was an old friend of his. But it was a wonderful story, and Dr. King only had one church in his life that he was the pastor of, the church in Birmingham on Dexter Avenue, and this man was the gentleman responsible for getting him there.

Mr. HILLIARD. Mr. Speaker, the gentleman, by the way, I believe, had been a member of that church for some 93 years; he was that old. He takes credit for bringing Dr. King there, and indeed, he deserves the credit. But he also deserves the credit for changing the history of this country, and for that I am thankful.

Mr. LEWIS of Georgia. Mr. Speaker, I think this particular deacon, as head of the deacon board, he made a great contribution, and I think when historians pick up their pens and write about this period, they would have to say that this one man had the insight, the vision, to go to Atlanta, as the gentleman from Ohio (Mr. BROWN) suggested, and convince Dr. King not to go to Chattanooga, Tennessee, but to come to Montgomery, Alabama. That is something I think from time to time in human history, call it what you may, it may be the spirit of history, that tends to track one down, and so Martin Luther King, Jr., was there at the right time in the right city to change not just Alabama, the South, but the Nation.

I think because of what happened in Montgomery, in Birmingham, in Selma, we have witnessed what I like to call a nonviolent revolution. We live in a different country, a better country, and we are a better people. I think we saw that. We saw the changes in Selma. We saw it in Birmingham when a middle-aged man walked up to me and said, I want to apologize for what happened here a few years ago. I am sorry. And I think that is very much in keeping with the philosophy and the discipline of nonviolence which was very much a part of the movement.

Mr. BROWN of Ohio. Mr. Speaker, I want to yield to the gentleman from Milwaukee, Wisconsin (Mr. BARRETT) in a moment because he tells the story so well, but we tend to lose sight, I think, people that are Northerners and especially people that are white, people who have not paid as much attention to the civil right movement, and we lose sight of the fact that this was made up of a lot of very young people that are leaders in this room. JOHN LEWIS, when he led the freedom riots, was 21 years old, when he knew he was going to get beat up on the bus when the bus arrived in Montgomery. Martin Luther King was 24 years old when he took his church, and during the bus boycott he was 26 years old, and what all of that meant and how he won the Nobel Prize at 35 and was killed at 39. He was such a young man during all of

this. My friend from Milwaukee has a story about a man that was very, very young and showed more courage than perhaps most of us have in our lives combined.

Mr. BARRETT of Wisconsin. Mr. Speaker, it starts as we were riding the bus from Montgomery to Selma, during the hour-and-a-half bus ride, or whatever the time period was, we were shown one of the PBS series, Eye on the Prize, and in the segment that dealt with Selma, it was a segment where there were probably 15 or 16 young people who had sort of broken loose from a curfew and were walking to the courthouse, and they were walking to the courthouse to make their case for being able to register to vote, and they were stopped by, I think it was the sheriff, the sheriff from the area.

Mr. LEWIS of Georgia. Mr. Speaker, one of the deputy sheriffs.

Mr. BARRETT of Wisconsin. Mr. Speaker, one of his deputies, and it was almost a humbling experience watching this little exchange between this young man, who was a very small man, and he looked very, very young. And as I was watching it, I was, first of all, struck by how he could remain so calm as this deputy sheriff threw racial slur, racial slur, racial slur at him over and over again, and he just did not lose his cool. He stood there and took it and asked the questions about do you believe in justice, do you believe in prayer, can we pray together, and over and over again this deputy sheriff was saying terrible things to him, things that would have made me just lose it.

Mr. LEWIS of Georgia. Mr. Speaker, he told him to go to his own church and pray; do not pray for me.

Mr. BARRETT of Wisconsin. Mr. Speaker, he said, I do not think your prayers even get above your head. That is one of the things that the deputy sheriff said. I was struck by how calm this young man was, and as I was watching this, I was thinking, I wonder whatever happened to this guy? How can this guy be so calm? I wonder what happened to him the rest of his life?

So we got off the bus and went in the church, and we were greeted by some of the people that had been involved, and lo and behold, one of the people was this guy, and he got up and told the story from his perspective. And my question was, what was going through your mind at the time? And I said, what was going through your stomach at the time? The thought that you could do this with this guy who just obviously hated him so much, and he was able, again with an incredibly peaceful disposition; the exchange ended when he said, well, is my quarter not worth as much as your quarter? And the deputy sheriff said, I do not want anything to do with your quarter, and get out. Just to talk to this young man who is no longer a young man, he is now in his forties and is still involved in trying to get people voting.

Probably one of the saddest parts of this experience for me was coming home the next day and going to visit a high school in my district, and bringing up this visit that I had, and asking the kids if they knew what the Selma-Montgomery march was all about. And they sort of had an inkling that it was something to do with civil rights, but they did not know much beyond that.

I do not think we should live in the past, but I do not think we should forget the past either. I think it is important for the young people in this country to know the price people paid for the right to vote only 30, 35 years ago in this country.

So it was great trip. We were also joined by the gentlewoman from Texas (Ms. JACKSON-LEE) who was there, and maybe the gentlewoman wants to add her thoughts on the weekend.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman very much. This obviously is a moving time for all of us. My thoughts were that I actually went to Selma for several reasons; certainly to pay great tribute to my friend and colleague, the gentleman from Georgia (Mr. LEWIS), and to say to America, as he has said every single year, that we will never forget. And as we make that statement, which in some sense some people feel that that is a harsh statement, I do not, but some do, that as we never forget, we will continue to try to draw more people into the circle of friendship and humanity to understand how it is so very important to bring about racial harmony; not words that are redundant without substance, but that racial harmony in this country is so very important.

The courageous effort that was made, first let me emphasize the small band of soldiers who marched initially across the Edmond Pettis Bridge when the gentleman was actually brutalized and turned back. That was not the so-called successful march, but it was the march that gathered the attention of America.

For us ever to forget those individuals who in the course of coming to Selma lost their lives, the housewife from Detroit named Viola who came and lost her life and several others came and tried to be part of this. The gentleman from Georgia (Mr. LEWIS) wound up in a hospital in the North because of the experience that he had to encounter. But yet, as they marched across that bridge, they did not fail to remember that it was what they did that day that might trigger and turn the course of history.

So my experiences coming across the bridge and hearing the gentleman from Georgia (Mr. LEWIS) recount of the question that Josiah Williams asked as to whether he could swim, I looked into that river, my brother, and it was a muddy river, albeit a big river, and I can imagine the choices, how many times we have the fork in the road, if we might look at the New Testament, what might have Jesus thought as he offered himself on the cross in the crucifix, what choices could he have made to turn back, and he did not.

Frankly, I think that this was another singular moment in our history, to be able to gather at Brown Chapel and sing with those individuals who were remembering to see Brown Chapel honored as an historic place of worship, but also of leadership; to hear them commit to the modern-day challenge that we must still fight for those who do not have. I would say as Martin King came, as you called him those 3 weeks later, these words are very much of meaning to me. He indicated that it was Selma that became a shining moment in the conscience of man. A confrontation of good and evil compressed in the tiny community of Selma generated the massive power to turn the whole Nation to a new course. I do not know if people realize the fact that Mayor Smitherman seems to join you every year, and again he offered his deepest apologies and camaraderie and emotional seeking of forgiveness. I appreciated that and was warmed by that.

I would just simply say to my colleagues, I was very honored to be able to be with you, and I hope that we will engage in some very vigorous discussions and debates about race. I hope that as we talk this evening and bring about a sense of healing, that we realize that healing has to come from acknowledgment and truth.

Just recently we saw in the polls that race and discrimination is still one of the most divisive aspects of our society. And if we learn nothing from the experience of the gentleman from Georgia (Mr. LEWIS) and all who were so heroic that day, that sometimes you have to make the unpopular choices where there are a few that will follow you, but in the ultimate end, the good will prevail.

So I hope as the Voter Rights Act was eventually signed by President Johnson that allowed me to be where I am today, 6,000 or so African Americans who are now elected officials, but more importantly, the doors of opportunity opened, President Johnson saying that their cause must be our cause, too, because it is not just Negroes, but really, it is all of us who must overcome the crippling legacy of bigotry and injustice, and we shall overcome.

So I thank the gentleman for yielding, and I look forward to engaging in more discussion, but I hope that we will be able to rise to accept the unpopular choices to call racism and discrimination where we find it, and to try to work to cure it with our brothers and sisters on the other side of the aisle, and most of all, prevail as JOHN

LEWIS prevailed in victory for a harmonious Nation.

□ 1930

Mr. BARRETT of Wisconsin. I think the question as we stand here is where do we go from here.

Ms. JACKSON LEE of Texas. Quite simply, yes.

Mr. BARRETT of Wisconsin. All of us represent districts where we have people who want to heal and get together, but I think the challenge we have is, how do we open up peoples' hearts? How do we get them to understand each other?

Mr. LEWIS of Georgia. Mr. Speaker, I yield to the gentleman from Alabama (Mr. HILLIARD).

Mr. HILLIARD. Mr. Speaker, I think the challenge is definitely before us, how do we bring America together? I think this is the very beginning.

I don't know whether Members had a chance to really discuss the delegation, the diversity of it; but, if you recall, it was bipartisan. We had Members of both parties, the Democrat as well as the Republican party. At the same time, we had the heads of those two parties there; and the congressional delegation was a mixture not only of black and white Members of Congress, but male and female.

I thought this was a very beginning. It was a positive move. I think the people we talked to gave us some insight of some of the changes that they had made in their lives. I speak about Mr. Smitherman, Governor Wallace. We also got to change some minds and hearts in America.

I think it is up to us as leaders, elected officials, to create that type of environment. We need to start somewhere. I cannot think of anyplace better to start than here in the United States Congress.

As the gentleman knows, from this podium some of us have said some things against the opposite party, against opposite Members of this Chamber, that perhaps should not have been said; and oftentimes in heated debates we lose our cool, as they say, and things do not come out as we expect for them to or intended for them to. I think we need to begin here. I think this is the very beginning.

I think we ought to come forth with these types of colloquies every night, every week, or every month. I think we ought to do something to keep the problems that underlie the real problems in America, the issues that underlie the real problems in America, before the public.

If we do not create a dialogue on a continuing basis, those things that harm us more, that hurt us more, will be pushed aside, and they will not be discussed. If you never discuss problems, you never admit that there is a problem; you never solve it. So I think that we need to continue this dialogue. I think this is the very beginning.

Mr. BARRETT of Wisconsin. Mr. Speaker, let me ask the gentleman from Ohio (Mr. SHERROD BROWN), how do we get people to trust each other? What should we be doing?

Mr. LEWIS of Georgia. Mr. Speaker, I yield to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, we saw people at their best and worst. We saw illustrations of that on that trip.

I see the pictures that were on national television of the gentleman from Georgia (Mr. JOHN LEWIS) and Josea Williams standing two by two as they walked across the bridge, standing there with hundreds of people behind them, neatly lined up, off the street, on the sidewalk so they were not disturbing anybody; and the guard came at them and the police came at them with night sticks and just started beating them up, with horses.

The capacity to absorb that violence is really what changed the hearts and minds of America. Perhaps if they had not been nonviolent, if there had been guns or any kind of weapons or any fighting back, the American public would not have seen the purity, if you will, of the gentleman from Georgia (Mr. JOHN LEWIS) and others, of their motives and beliefs and cause. I think that really changed people's hearts.

The Voting Rights Act passed 3 months later overwhelmingly, because of what my friend did; and as the gentlewoman from Houston, Texas (Ms. JACKSON-LEE) said, it was LBJ's speech, "We shall overcome." He would not have been moved to say that if it had not been for the very strong, nonviolent, but strong actions, not weak. Nonviolence is the strongest reaction, because of the strength it takes to love, forgive, and to stand there and take it, if you will.

I think that is part of the answer to the question, I say to the gentleman from Wisconsin, to see both the worst and most brutal in people come out, and then to see the best come out in people's reactions and the best come out in the strength and discipline and love.

It is also I think that we as a people need to listen to each other. It is so rare, as I saw the President's race retreat or town meeting in Akron, which I attended, not far from where I live. What came out there was that white people listened to African Americans talk about themselves, and African Americans listened to white people talk about themselves.

That is something in this society, that as integrated as we are on the surface, we are not very integrated in talking about our personal lives. Whites work with blacks and blacks may be on a softball team with whites, or they may hang around the drinking fountain together, or may even travel with them occasionally, but we do not have the kind of heart to heart discussions: what is my life like, Earl, what is your life like, and talk to each other that way. So much of it is just simple understanding that we really fail to do, I think.

Ms. JACKSON-LEE of Texas. If the gentleman will continue to yield, Mr. Speaker, I think the gentleman really carved it out for us. Race and the differences with race have been so personal that sometimes we have not reached below the skin, which is sometimes painful.

I want to thank Faith in Politics, the institute that certainly brought us together. I want to thank the gentleman from Alabama (Mr. HILLIARD) for hosting us.

I would like to challenge us to engage in these very personal discussions, because they may translate into constructive legislation. We are not saying that legislation cures all, but to be able to discuss these things and hear both sides.

I think the gentleman's point is well-taken about we were sort of talking at each other, as some people have perceived in some of these meetings that have been going on. Let us try to talk to each other, and let us find out where we can find common ground.

I leave the gentleman simply with an encouragement. I hope, and I see my colleague, the gentlewoman from Florida (Mrs. KAREN THURMAN). I hope we will look at this thing called the apology. When you say it, everybody sort of perks up with their views one way or the other.

But let me say that I think an apology for slavery is certainly one that would bring about a vigorous debate, and I hope we would debate it not in anger but that we would get below the skin and really find out what makes people tick, what hurts and helps them, and how we can bring about a true healing, and after healing then comes reconciliation.

I look forward to working with my colleagues, and I am just delighted to be able to be here with them.

Mr. Speaker, as I take my place here in the well of the floor with my colleagues to speak about my participation in the recent march in Selma, Alabama, I am reminded of the solidarity and strength of Congressman JOHN LEWIS and the people who took those courageous steps 33 years ago.

I found the experience of this recent March to be a moving experience. There were those who were there in 1965, and there were those who could not be there in 1965.

I was touched by the faces of the people that I saw there on the bridge. In these faces I saw hope, determination, and pride. And then I thought of the faces of those marching in 1965.

I imagined what led these marchers to gather together in Selma, Alabama in March of 1965. The constant denial of civil rights, the attacking of innocent women and children, the injustices that were routinely handed down by a corrupt and racists judiciary—I say this because one year earlier on July 9, 1964, state

circuit judge James Hare issued a ruling which had the effect of enjoining any group of more than three (3) people from meeting in Dallas county—and the constant intimidation of not just private citizens, but state and local officials.

I imagined what these marchers saw as they stood on the Edmund Pettus bridge. They saw the intimidating forces of the law—state troopers and sheriff officers—standing, waiting to savagely beat them after they crossed the bridge.

I imagined the hurt and humiliation that these proud, non violent marchers must have felt—marching towards freedom, only to be savagely attacked by dogs and police; to be showered with tear gas; to be beaten with clubs as though they themselves were enslaved.

I imagined the utter rage that must have gone through the minds of the people who saw their sisters and mothers, fathers, and brothers, beaten as though they were mere property—to be treated simply as the property owner saw fit.

I imagined the shock of the country as Americans watched on TV what African Americans had seen time and time again.

As I stood with the marchers in Selma, Alabama this past weekend, I thought of the power of the moment—that this march actually occurred only 33 years ago and that here we are, re-creating and reflecting on history.

It was Martin Luther King, Jr. who stated that,

> Selma, Alabama . . . became a shining moment in the conscious of man . . . confrontation of good and evil compressed in the tiny community of Selma generated the massive power to turn the whole nation to a new course.

The recent march in Selma was, for me, as if we were telling those who marched in 1965 and the whole wide world that the civil rights movement is still moving. It is moving in the hearts and minds of those of us who carry the torch and flame of justice and liberty in America. It is moving in those of us who were not old enough to march in 1965. It is moving in those of us who greatly benefitted from the courageousness of those who were beaten by the racist police as they tried to cross the Edmund Pettus bridge in 1965. It is moving in the souls of those who support our efforts to hold on to the civil rights that we fought for, and regain the civil rights that are slowly being taken away by renegade courts in America.

The march in Selma thrust this country forward into a new era of voting rights for all Americans. In his televised statement introducing the voting rights bill, it was President Johnson who when speaking of the marchers in Selma stated,

> Their cause must be our cause too. Because it is not just Negroes, but really it's all of us who must overcome the crippling legacy of bigotry and injustice. And we shall overcome.

As I stand here tonight, I know that we must begin to prepare for the confrontation that the voting rights acts will engender once again. It will not be easy. For there are those that seek to deny us the simple right to vote. There are those who seek to turn back the clock on civil rights for all Americans.

The marchers in Selma were on the front line. They were fighting not just for themselves, but for all of America; not just black America, but all America.

As we make history here even today, we stand on the front line in the U.S. Congress for civil rights, not just for African Americans, but for all Americans.

As I stood with the marchers in Selma, I thought of the bridges that we have crossed in Houston, Texas, such as proposition "A"—an effort which was designed to eliminate the city's affirmative action contracting program. We crossed that bridge by beating proposition "A" and by letting the entire United States know that civil rights and affirmative action is not only good for the 4th largest city in the U.S., but for the rest of the country.

The march in Selma represents not just the crossing of a bridge, but the crossing over of America from an age of slavery to freedom. It represents the bridge from heartbreak to hope, from poverty to prosperity.

Mr. LEWIS of Georgia. Mr. Speaker, I yield to the gentlewoman from Florida (Mrs. KAREN THURMAN).

Mrs. THURMAN. Mr. Speaker, I apologize for being a little late to enter into this dialogue, because it was probably one of the most important weekends that I spent in my lifetime. I, too, want to thank Faith in Politics for what they did.

I particularly also want to thank the gentleman from Georgia (Mr. JOHN LEWIS) for reliving a time in his life that had to be one of difficulty but one that also shaped who he is and what he brings to this Congress today. So, JOHN, I appreciate that.

I also give thanks to the gentleman from Alabama (Mr. EARL HILLIARD), as somebody who still lives there, represents that area, and still has to live with the consequences, sometimes, for the time spent. We appreciate the participation that you gave us and the bringing of people together.

Mr. HILLIARD. I thank the gentlewoman.

Mrs. THURMAN. When the gentleman talked about starting here in Congress, I think it is not only starting here in Congress as we try to mend ourselves, between Democrats and Republicans. We have done Hershey, and we tried to bring some, whatever, some composure around here to keep us from fighting so much and doing those kinds of things. It is also the teaching of our own children, the healing within our own hearts, with our own children, starting there from a very young age.

I want to tell the Members a story that happened to me right after, and any time we can talk about this, but not just with my own children. Right after I came back from that weekend, there was a group of students from the University of Florida who came here on an alternative spring break weekend. I do not know how many Members had students from their communities and from their universities that came to different parts of the country to participate in this, where they actually came here.

This group came to work in homeless shelters. They did a battered women's thing, where they painted, took care of kids, and they did those things as an alternative to spring break, instead of going to Daytona Beach 50 miles away, where they could have fun.

They were shocked, first of all, by what they saw in D.C. They had exposed themselves to some degree within their own community but never expected to see what was happening in Washington, D.C.

I relayed my weekend to them, and I said to them, can you imagine in your lifetime walking on the same bridge with the gentleman from Georgia (Mr. JOHN LEWIS) with students your age? I think the thing that struck me the most of this weekend, and I say this to the youth of our country, go out there and see, participate, look at what history is all about.

Because the most striking thing to me was the young woman, I believe she was 14 years old, who was willing to give her life, her life, knowing full well that she was going to walk into one of the most adverse situations of her short 14-year period of time. But she was willing to take a stand at that early age to make a difference in what she would see in history. I have to tell the Members, that struck me like nothing has ever struck me.

I suggested to them that they are young. They have the opportunity to see this. They are a part of this healing process. They are reaching out right now. They need to go back to their university campuses, and they need to talk about what they saw. They need to start the healing, even within their own university campuses, with what they are seeing.

They said it just kind of tore down all of the things that they had thought about what a homeless person was. So the same thing hits.

The second thing that struck me when we were at the museum, and they talked about the city that had grown from iron. When you walked in there, the first pictures you saw were black and white together talking about work conditions, wage conditions, issues that united them because it was something that they could all understand and believe in.

And only until somebody decided to make it an issue and said, you cannot play cards, you cannot look into their eyes, you cannot do this, you cannot do that, the hatred was never there. The hatred did not start until somebody forced it.

So I think the idea is that if we undo that force of hatred and start to reteach, that we all started off in the same room. We all started off together for the same reasons; but, because of a few individuals, we got to a point where we had to fight, or people had to fight for something that they believed in.

Mr. LEWIS of Georgia. Mr. Speaker, I thank the gentlewoman from Florida for those words and for taking the time to participate in this. She added so much.

I think what we all are saying tonight is that we must continue the dialogue, continue to talk to each other, continue to move to create the beloved community, an interracial democracy; continue to do what we can to lay down the burden of race.

It is ongoing. We do not necessarily have a blueprint, a road map. We are going down this road for the first time. I think if we can do it in the Congress, we can do it in the larger society. We are the leaders. We should go out and help get our districts and our States to talk about race, and do not be afraid to bring the dirt and the filth from under the American rug, out of the cracks and corners so we can see it, so we can deal with it.

I know the gentleman from Arkansas (Mr. JAY DICKEY) was unable to go on the trip, but he had attended several of these meetings. I yield to the gentleman from Arkansas (Mr. DICKEY).

Mr. DICKEY. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I want to tell the Speaker that the two things that kept me from coming to Alabama on this trip I will forget soon. If I had come, I would have remembered being with you all forever, and I am sorry about that. It is just something that I could not go against my word. But I know what I missed.

What has drawn me to the dialogue with you all and the discussions with you all is the fact that I grew up in Pine Bluff, Arkansas, and during this time was a graduate of law school, practicing law in my hometown; and we thought we were a long way away, but we were not.

But as things have occurred and I am now in public office, it is good for me to sit around in the rooms, in the room as I have done with you, and just go over exactly how we got where we are individually in relationship to race and discrimination and the hatred that we have all seen, particularly in the South.

I do not think you all know what it is like in the North, because in the South, as a white person and as a person from the establishment, I was kept from this controversy quite a bit, only to later go back and live so many regrets. I think you all are helping me in that regard in that you are listening to what we are saying.

One thing that I have, one touch that I had during that time, was a friendship with a man named Wiley Branton.

□ 1915

He practiced law in Pine Bluff. My dad and he were friends. And he kind of brought me along in this. I think he is one of the true heroes of the Little Rock crisis. He does not get mentioned very much and I am so glad to mention it now for our country to hear. He was the glue that held it together until Judge Thurgood Marshall came into Little Rock. He then went to work on the voter registration. I can remember when he was head of the voter registration in the South and he kept saying, yes, we are getting people to register but I am not so sure we are getting them to vote. Then when he was up here in the Justice Department, he was constantly giving his life. Then the Dean of the Howard School of Law, Howard University School of Law. He was telling me some of these things and I was listening but I was not really a part of it. But I do know that he was.

He is now gone. He has passed. But I want his family to know and the people of America to know that his legacy lives on. I want to help in this project, too, for his sake as well as others.

In closing, the gentleman from Wisconsin (Mr. BARRETT) was saying, where do we go from here? If he is getting a load up, I want to be on, I want to be in the load. I want to be on our way to bringing people together in love in God's name. Thank you.

Mr. LEWIS of Georgia. Let me just thank the gentleman from Arkansas (Mr. DICKEY) for those words. I think tonight we are deeply grateful, in a sense we are more than lucky but really blessed that we have an organization like Faith in Politics Institute that brought us together. It is my hope that as a group that we will stay together and from time to time we will engage in other discussions and dialogue. This is only, as I said, but the beginning. This is just one step on a very long journey before we create the beloved community and open society.

I want to thank all of my colleagues for participating in this dialogue tonight.

JUDGE MASSIAH-JACKSON

The SPEAKER pro tempore (Mr. SHIMKUS). 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, first, I would like to thank the gentleman from Texas (Mr. ARMEY), the majority leader, for his kindness. Obviously I realize that we are at the time of his special order, but I do want to comment, as a member of the House Committee on the Judiciary, on the concern I had for the withdrawing of the nomination of Judge Massiah-Jackson. Let me first salute Judge Massiah-Jackson for her leadership as the common pleas court judge in Philadelphia, Pennsylvania and for the vigorous and dignified approach that she took to continuing her confirmation.

She was a nominee of the President of the United States, William Jefferson Clinton, and in fact had passed confirmation hearings and was moving to the floor. I do believe that we have a crisis process that is now broken. Our judges are not being appointed and are not completing the confirmation process. The Supreme Court has commented on the appalling backlog of Federal judges and the backlog of cases.

I call this an abomination on the justice system of this country and ask my colleagues who have political differences with the nominees to recognize the separation of powers, the right of the government and the President to appoint and certainly advise and consent.

But let me tell you what I believe the action should be in light of this harmonious debate we have just had. I am calling for the leadership of the NAACP, the National Urban League, the American Civil Liberties Union, the NAACP Legal Defense Fund and all who may be considering this great crisis, the National Council of Negro Women, the Coalition of 100 Black Women, the Coalition of 100 Black Men, certainly the Black Women Political Caucus to come together to address this crisis. We do have a crisis. The system is broken. Judges are being rejected and refused. Judge Massiah-Jackson was the last victim of this process.

We cannot have the conservative rule destroy the appointment of Federal judges who deserve to be appointed, who are fair and impartial, a system that should not be tainted by politics. My heart is simply broken for the loss of this woman, the trampling on her constitutional rights as well as her dignity, the disrespect that was shown her, her losing this process and not going forward for a vote.

I can only say that we have a crisis. All who will hear my voice, I simply ask for you to respond. If we stand together, we can fight against this abomination and restore the dignity to the process and allow us to go forward in the way that we should.

Judge Massiah-Jackson, I thank you for being a true American. You have my support and appreciation. I will commit to you that we will subject no one else to the tragedy of being so defeated, lonely, without the support of so many that were needed.

Mr. Speaker, today, ladies and gentlemen, is a shameful day in the history of our federal judicial appointment process. When the Framers of the Constitution decided that the United States Senate should confirm all Presidential appointees for the federal bench, surely, they could not have imagined that this process would be used for the kind of unmitigated character assassination that Judge Frederica A. Massiah-Jackson has had to endure for the last few months.

The sad fact of this case is that in Philadelphia, Pennsylvania, the cradle of our most fundamental liberties, a place known far and wide

as the city of brotherly love, an insufferable crime against justice has been committed. Judge Frederica A. Massiah-Jackson has withdrawn her name today from consideration for the Federal District Court bench in the Eastern District of Pennsylvania.

Since her approval by the Senate Judiciary Committee last October, Judge Massiah-Jackson, a Common Pleas Court magistrate in Philadelphia since 1984, has been the subject of vicious attacks about her record on crime. To me, the most terrible tragedy of this situation is that Judge Massiah-Jackson's critics have been able to use a series of smoke and mirrors tactics in regards to her record to undermine both her qualifications and her credibility. Obviously, these critics have been extremely effective at their task, because they have given Judge Massiah-Jackson the impression that her nomination by the Senate was a lost cause.

My friends, this is a real-life travesty if you take the time to look at the facts. According to today's Philadelphia Inquirer, the Pennsylvania District Attorneys Association, who was among the chief critics of Judge Massiah-Jackson's nomination, used approximately 1% of the judge's actual sitting cases as an evidentiary basis of her unfitness for the federal bench.

The President, in a statement today, described these allegations as "baseless attacks that mischaracterized (the judge's) record without affording (her) an opportunity to respond". Senator ARLEN SPECTER of Pennsylvania similarly noted that Judge Massiah-Jackson was treated unfairly by both her opponents and the Senate Judiciary Committee. Judge Massiah-Jackson, without foreknowledge, was asked by the Senate Judiciary Committee about cases she decided over a decade ago. As Senator SPECTER said in response to this modus operandi by the Committee, "the quintessential point of due process is notice".

Additionally, I find the timing of these charges to be extremely peculiar. The avalanche of charges about Judge Massiah-Jackson's record came several months after both her initial nomination and recommendation for appointment by the Judiciary Committee.

The bottomline, however, is that these charges are completely unfounded. According to a report from the Philadelphia Bar Association, Judge Massiah-Jackson actually imposed sentences above the Pennsylvania sentencing guidelines more frequently that most other Common Pleas Court judges. Actually, in her last year on the bench, Judge Massiah-Jackson was five times more likely than her peers to impose a sentence above the state guidelines. Tell me, ladies and gentlemen, how is this a soft record on crime?

The reality is that this woman's professional record has been destroyed on rumor, unsubstantiated allegations and misplaced accusations. But what can be done for her now? Can her good name ever be restored to its previous standing? Are there any measure of apologies that can be given to restore her dreams? Judge Massiah-Jackson would have been the first female federal judge ever to serve in the Eastern District of Pennsylvania, but now where is her place in history, is it the place of honor that she deserved, or is it one of shame?

Furthermore, I am disgusted by the vast number of people that have ignorantly played a role in this great tragedy of errors. Too many people simply jumped on the bandwagon of attacks in this case without substantive evidence. Judge Massiah-Jackson, wherever you are, I send my deepest apologies to you and your family. And I hope that in the future, this horrible miscarriage of justice does not dissuade other qualified women of your stature from seeking the high judicial offices that their record has earned them. We must end the backlog and conscious scheme to deny Judges appointed by this Democratic Administration their fair hearing and confirmation. Denial of them is a denial of social justice and civil rights for many Americans. It must cease and desist now!

SEARCH FOR VALUES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Texas (Mr. ARMEY) is recognized for 60 minutes.

Mr. ARMEY. Mr. Speaker, I appreciate my colleagues that will be joining me this evening. It seems like every now and then, once perhaps in every lifetime, there is a sense of a movement on land, a movement of a Nation in search for things of greater meaning and of deeper meaning. I believe that is the case today. I believe America is searching for values that will work in the lives of their families and the lives of their children. I believe that value search that we see going on in America today is characterized accurately, as I like to characterize it, as a search for old ways of doing things.

I believe that it is up to us in a representative democracy to represent the very best of the people that we are privileged to represent and in doing that, it seems to me we must be in touch with these issues. We must be in touch with the search that we see among our Nation's people. So towards that end of better understanding, I have gathered together a group of Members who have been studying on this matter and we would like to devote the next hour to discussing these issues.

I would like to begin with the distinguished gentleman from Pennsylvania (Mr. PITTS), who will talk about the moral principles as the foundation of a good society.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I rise to begin a discussion with the gentleman from Texas (Mr. ARMEY), the House majority leader, on the importance of values to our Nation. I thank him for giving me the opportunity to speak today on this issue of vital importance for the survival of our Nation.

Mr. Speaker, moral principles are the foundation of a good society. It is a simple fact that our democracy, the greatest government in history, was founded in large part so that Americans could practice and maintain a strong moral code in their way of life. The first people to colonize this Nation did so for the freedom of religion, not freedom from religion, freedom of religion in order to freely follow a code of ethics to which they were firmly devoted. From the time of the Pilgrims we have associated the creation of America with the privilege and responsibility of applying moral principles.

Even the modern anti-tax movement can trace its roots directly back to a moral principle present in colonial times that every penny and every power that government gets comes at the expense of personal freedom and personal opportunity.

In fact, this principle helped spur the American Revolution.

Mr. Speaker, we have a founding document in this Nation, a birth certificate, if you will, called the Declaration of Independence. This declaration is different from many others that have been issued around the world. The primary difference is the preamble that distinguishes it from all other declarations of independence. This preamble has certain principles that I would like to mention. The fact that, and I would like to quote it, the fact that these principles are highlighted, I think, are instructive.

This is what it says: We hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness, that to secure these rights governments are instituted among men deriving their just powers from the consent of the governed and that whenever any form of government becomes destructive to these ends, it is the right of the people to alter or to abolish it and to institute new government, laying its foundation on such principles and organizing its powers in such form as to them shall seem most likely to affect their safety and happiness.

Now, that is not the whole preamble, but in that part of the preamble we see that these principles that we are endowed by our Creator, that all men are created equal and that we are endowed by the Creator with certain inalienable rights, that these are God-given rights, rights not given to us by government, rights that the government cannot give and rights they cannot take away, they are God given rights and the purpose of government is to secure these God given rights, life, liberty and the pursuit of happiness.

With rights also must come responsibility. Our Nation is built on the principle of liberty. Our government exists with our consent. We choose to augment, revise and improve our laws and the very structure of our government routinely. With this privilege comes a mandate that we tend to liberty with care and caution and prudence.

We have another founding document, the one that we all swear to support and defend. It is called the U.S. Constitution. And that Constitution is the oldest national Constitution in the world, the granddaddy of them all. And it begins with these words: We the people of the United States in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

We the people, as one of the prime ministers who spoke to this Congress in past years said, the most important words in the English language, the most important three words, we the people. And in those days when kings were sovereign and people were subjects, to say that we the people are sovereign and we only give you the government certain limited powers, that we the people do ordain, was a revolutionary concept. Of course we know that our Republic, our constitutional form of government cannot work in a vacuum and it should not work in a back room. It requires citizens to be involved with their representatives in order to represent them adequately.

But when we take a look at other forms of government, we realize what a powerful and beneficial system we have. When other nations were created, the citizens were thought to be subjects. They were so much chattel from which the hierarchy could prosper, and around the world governments created just a few decades ago and some longer than that, centuries ago, forced men and women to be pawns for the state. The people live at the discretion of the government. But not in America. In America the government lives at the discretion of the people. As we see when we look around the world, our democracy truly is a blessing.

Now, it is easy to argue that things have run amok. We have too much taxation. We have an overly large Federal bureaucracy. We have an administration that takes power away from families. It is pretty clear that we have taken the benefits of democracy and used them to support bad policies. But it is not the system that is flawed. It has been a lax approach to following the moral principles which created this Nation and made it strong.

In 1776, in my home State of Pennsylvania, our State Constitution decreed in its preamble, and I quote, we the people of Pennsylvania, grateful to Almighty God for the blessings of civil and religious liberty and humbly invoking his guidance, do ordain and establish this Constitution.

In that same period, the 18th century philosopher Montesquieu wrote, and I quote, the deterioration of every government begins with the decay of principles upon which it was founded. And in current times we have seen that very decay in our moral principles. We have stopped advocating biblical principles upon which this Nation was founded. Instead, we have adopted relativist stances which are far easier to defend, but which are far more difficult for the progress and security of our Nation. Thus we have seen the decay. We live in a society where infidelity is either glamorized in the media or accepted as benign and inconsequential by our politicians.

□ 2000

Tonight, 4 out of 10 children who go to bed will go to bed in a home in which their father does not reside in America. Tonight, drug abuse is on the rise among our youth, and child crime is more prevalent today than at any other time in the history of our Nation. As we have walked away from the moral code which binds this Nation together, we see our society fraying at the edges. We must get back to those values that created our Union for the sake of our Union.

George Washington, our first President, was a man of great moral character. It was his capacity for self-discipline and willingness for service to the American Nation which ultimately allowed this Nation to be founded. George Washington said this, and I quote: "We ought to be no less persuaded that the propitious smiles of heaven can never be expected on a Nation that disregards the eternal rules of order and right which Heaven itself has ordained."

Washington's message was clear: We as a Nation can thrive by the adherence to a fundamental moral code. It gave Washington the vision to lead us into the era of democracy. Conversely, as we have seen, we as a Nation can fall with the disregard of that code.

This Nation was founded on the premise that fidelity to God was honorable and ought to be encouraged, not hindered, by government. Sadly, we now have portions of the government fighting alongside elite liberal factions in order to portray faith in God as a radical, irresponsible act.

While the founding fathers used prayer as a guiding influence in their fight for freedom, we now hide behind false legal pretense to deny our responsibility to gain inspiration and direction from prayer. The first act of the very first Continental Congress in 1774 was to pass a resolution as they met in Carpenter's Hall.

They did not meet, the first Continental Congress, in the old statehouse in Philadelphia. They did not want to plot against the Crown on Crown property. They met next door in Carpenter's Hall, 57 men, and their first act was to pass a resolution calling on each session, every day, to begin with prayer, to be led by a local clergyman.

They had heard a false rumor that Boston had been cannonaded. The next day they invited the vicar of Christ Church in Philadelphia, the Reverend John Dushay, to come and lead the prayer. And in those days, when they had prayer, it was not like we have a 1- or 2-minute prayer, his session lasted over 2½ hours. He first read from Psalm 35. And if my colleagues will remember the rumor of Boston being cannonaded, and in the day of slow communication they did not know it was false, and so we can understand his reading.

And John Adams, who was there, wrote to his wife Abigail. There are a lot of letters that they exchanged. And he described this scene, and it is portrayed in a picture on the wall in Carpenter's Hall, if anyone visits there. He said, Washington and Rutledge and Lee, and he named some others on their knees; beside them the old gray pacific Quakers of Philadelphia; and then behind the old pacific Puritans of England, with tears in their eyes. And he ended, "It was enough to melt a heart of stone." The first act of the first Congress on their knees in prayer. Something that might be a little foreign to us today.

But heroes like Washington, Adams and Lincoln used their lives to demonstrate their effort to respond to their responsibilities as men of faith. They fought for the concept of freedom with their demonstrations of honor and integrity, and, as a result, a great Nation was born, developed and survived great challenge.

Abraham Lincoln, during a time when our Nation struggled to recreate itself, affirmed his devotion to the core principles begotten by faith. He said, and I quote, "Intelligence, patriotism, Christianity and a firm reliance on Him, who has never yet forsaken this favored land, are still competent to adjust in the best way all our present difficulty."

Our Constitution embodies core moral principles. It creates a system where individual effort and integrity are rewarded. In it, men are free to support those with similar moral convictions. It rewards those who incorporate their faith-based responsibilities of honesty, hard work, devotion, fidelity and charity. It works to create a system which works for and through morality and responsibility.

The founders of our Nation recognized the importance of faith and honesty in government, requiring officeholders to publicly swear an oath before assuming governmental responsibility. And this was not a simple act of pomp and circumstance. This was a declaration of a bond with their Creator. It was a demonstration that honesty and faith are prerequisites for governing.

According to Sir William Blackstone, who was the great jurist, and he was

the one who wrote the commentaries that all lawyers back in those days studied to become attorneys, he said this: "The belief of a future state of rewards and punishments, the entertaining just ideas of main attributes of the Supreme Being, and a firm persuasion that he superintends and will finally compensate every action in human life, all which are revealed in the doctrines of our Savior, Christ, these are the grand foundations of all judicial oaths, which call God to witness the truth of those facts which perhaps may be only known to Him and the party attesting. All moral evidences, therefore, all confidence in human veracity must be weakened by apostasy, and overthrown by total infidelity. Wherefore, all affronts to Christianity, or endeavors to depreciate its efficacy, in those who once professed it, are highly deserving of censure."

Mr. Speaker, the freedom to which we owe so many is a direct result of adherence to divinely inspired moral values. These values made us a great Nation. And as we have recently seen, there is an inverted relationship between our Nation's success and its rejection of traditional values. The further we avoid making the tough choices of honesty, fidelity, honor, self-reliance and the incorporation of our faith into our daily lives, the further we slide down the path of relativism.

As we face a new millennium, we must work to come back to those principles. Our Nation cannot afford to slide much further. Redemption can come from reacquainting ourselves with these morals, but this action must occur soon. For the sake of our Union, we cannot wait.

I thank the gentleman for letting me participate tonight and yield back to him.

Mr. ARMEY. I thank the gentleman for his participation. And, Mr. Speaker, the gentleman from Pennsylvania (Mr. PITTS) has set the stage for us. We have a Nation that was founded on the highest of moral principles and faith, as, in fact, expressed and practiced by our Founding Fathers.

And while we all know that we cannot by law make a Nation good, I think it is a very clear fact that if a Nation is to legislate law that reflects the best of its people, it can do so, and, in doing so, it can encourage those traits of human conduct and behavior, value, morality and belief that are of greatest service to a Nation.

With respect to these questions, of how we might legislate in such a way to be an encouragement to our citizens, we are privileged to have with us tonight the distinguished whip, the gentleman from Texas (Mr. TOM DELAY), who has studied these issues, and studies them well, as we apply them to his critique of legislative offers that come before the body and the decision-making process by which we determine what legislation we should bring forth.

At this time, Mr. Speaker, I yield to my distinguished colleague.

Mr. DELAY. I thank the distinguished majority leader, Mr. Speaker, and I appreciate the gentleman for bringing this special order that I think is so important, particularly in the beginning of this session of Congress.

I really appreciate the presentation done by the gentleman from Pennsylvania (Mr. PITTS). For all of those in the Nation today that are talking about the fact that character does not matter or that what one does in their private life has no affect on their public life, I hope they will go back either to the Internet or to their library and pick up tomorrow's CONGRESSIONAL RECORD and read the presentation by the gentleman from Pennsylvania, because he so eloquently points out the foundation of values to our country and their importance.

I really appreciate this opportunity to join my colleagues and the majority leader this evening in this very, very important discussion. And as we are talking, a friend of the majority leader's and mine is somewhere in the Capitol leading a tour of this Capitol, a gentleman that is vice president of the Texas Republican Party and a fellow by the name of David Barton, who is the symbol of values, particularly Texas values, that represents what we are trying to say here tonight. We are very appreciative to have him here.

I have been asked to discuss with the American people, Mr. Speaker, our legislative agenda and how it reinforces our family values. But we have to first ask the question what are family values? And according to the dictionary, the definition of a value is something intrinsically valuable and desirable.

Now, most Americans believe that a strong family structure is intrinsically valuable and desirable. This is not a new belief. Indeed, an ancient philosopher once said, the root of the state is in the family. And likewise, the root of the United States lies in the families of the United States. But for too long the family structure has been under attack. It has been under attack from many different quarters.

Today's culture all too often designates the family as the building block of our civilization. As the gentleman from Pennsylvania points out, divorce rates continue to climb in this country. Child abuse and neglect has become a national epidemic in this country. Drug abuse tears families apart. And the government has become, in many ways, an unwitting accomplice in the process.

The government continues to take more money from middle-class families in the form of taxes and regulations. If we add up local, State and Federal taxes and the cost of regulations, today the average American family is forced to fork over more than 50 percent of its income to the government. That means 50 cents out of every dollar that a family makes today goes to the government.

No wonder it takes one parent to work for the government while another parent works for the family. This puts additional pressure on a two-parent family, and all too often one parent is forced to work to pay off the government while the other works to support the family.

That money pays for two unnecessary things: One is a bloated Washington bureaucracy, and the other is a misguided welfare state that creates a culture of dependency that quite often undermines the family structure in many of our most fragile communities.

We have taken the first step to reverse this process. In the last Congress we reformed the welfare state to give families a hand up rather than a handout. And that welfare law has been a great success. In fact, there are fewer people on welfare today than there were in 1970, and I think that is quite an accomplishment. But we must not rest.

We are committed as a majority in this House to creating conditions that support strong family structures in all our communities. Our legislative agenda has five components:

First, we want to reduce the government burdens put on our families; and we want to eliminate things like the marriage penalty in our Tax Code. Our Tax Code actually has an incentive for divorce. I just feel that that is so ridiculous, and we are going to change it.

Our current labor laws also make it difficult for workers to substitute vacation hours for additional pay. If a mother or father wants to spend more time with their children in lieu of cash, that should be their choice, not the choice of some Federal Government.

We want to give more choices to parents for child care. We want seniors to have more choices for their retirement security. Giving families more choices and ending government policies that take away those choices is a very critical part of our family-friendly agenda.

A second pillar of this agenda comes with our efforts to improve education. Some of our Nation's public schools are getting better and better every day, but many others are getting worse. Parents need to have that option to send their kids to good schools. Good schools are accountable to parents. They maintain discipline. They use their resources wisely. Providing parents with school choice and making those schools face competition are innovative ways to improve education in this Nation.

The majority leader, who is standing here, the gentleman from Texas (Mr. ARMEY), has been a vocal proponent of a D.C. scholarship program that will give parents more choices in this beleaguered school system in Washington, D.C.

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Now the President has an opportunity by signing this legislation to help at least 2,000 underprivileged kids in the D.C. area to have access to a better education. Making certain that more dollars go to the classroom rather than to Washington education bureaucracy is another important way we can improve education.

My colleague, the gentleman from Pennsylvania (Mr. PITTS), has introduced a bill that does just that. Under committee consideration right now, the Dollars to the Classroom Act block grants 30 Federal education programs and requires that at least 95 percent of those funds go straight to the place that they are needed most, at the kids in the classroom.

We will also be working on providing middle-class parents with a tax-free education IRA. This will give parents the ability to save for their kids' grammar school and secondary school education. I think these are fitting ways to show our commitment to an improved education.

A third pillar of our family-friendly agenda involves the war on drugs. Congressman DENNY HASTERT from Illinois, working with Congressman ROB PORTMAN of Ohio and other Members in our conference, has designed a strategy to put some teeth in our war on drugs. We must not lose another generation to violence and drugs. We need aggressive enforcement of our drug laws, we need better interdiction at our borders, and we should build on the innovative efforts of faith-based programs that have been successful in ending drug addiction.

Protecting the sanctity of life is the fourth pillar of our pro-family agenda. The President vetoed legislation that outlawed the barbaric partial birth abortion procedure. That was a shame. Because, as Senator MOYNIHAN from New York put it, this procedure is very close to infanticide. We will work to override that veto this year, later on this year.

The culture of death that surrounds partial-birth abortion and assisted-suicide laws must be stopped. We should also stop government funding for groups that promote abortions abroad, and we should be exporting policies that celebrate life, not policies that promote death.

The final pillar of this values-based agenda comes with protecting people of faith in America and across the world. All too often people of faith are oppressed and condemned rather than respected and welcomed.

One example, of course, is in China. They have persecuted Christians, they have torn down churches, and they have imprisoned peace-loving pastors who only want to promote the gospel. We should continue to put pressure on the Chinese and other governments that practice religious persecution to allow more religious freedom.

We should also end policies in America that unfairly discriminate against people of faith. The courts have changed our Constitution by distorting the original intent of the First Amendment. The First Amendment to the Constitution says, and I quote, Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

There is no separation of church and state in that statement. That does not mean that the Founding Fathers wanted us to ignore God or to forbid our children to pray. We believe that children should be allowed to pray in our schools. We should talk about the moral basis of our Government. We should be allowed to post the Ten Commandments in Federal buildings.

Moses looks down on this Chamber every day. Right over that door, I am looking at the face of Moses; and he gazes down at the Speaker's chair. We open each of our sessions with a prayer to God. We should not allow the judicial branch to stamp out religious expression in other areas of the government.

My colleague the gentleman from Oklahoma (Mr. ISTOOK) has introduced a religious freedom amendment that reestablishes the people's right to acknowledge God according to the dictates of conscience, and it has been reported out of committee and should see floor action in this session.

So let me just conclude by saying that some liberals have called us the "do-nothing Congress," and maybe we are the "do-nothing-they-like Congress." But we are a busy Congress, doing the things that support the values of this country, the values that have built this country. And it is wrong to call us a "do-nothing Congress." We are working on a value-based agenda that will strengthen families into the next century.

I thank the gentleman from Texas (Mr. ARMEY) for yielding me the time.

Mr. ARMEY. I thank the gentleman for his comments. I so much appreciate his hard work and his clearly focused understanding on what is indeed of value to the American people.

Mr. Speaker, we are blessed by our creator with certain inalienable rights. Certainly, liberty and personal freedom is the greatest blessing of all; and our Government should be protective of that freedom. But I think anyone who is clear and judicious in the understanding of freedom understands that we really can only be free if we purchase that freedom through the exercise of personal responsibility.

Tonight we have with us Congressman J.D. HAYWORTH of Arizona, who has studied on this matter a great deal and wants to share with us some of his reflections on the relationship between freedom and responsibility. At this time, I yield the floor to my colleague from Arizona.

Mr. HAYWORTH. Mr. Speaker, I thank the distinguished majority leader.

Mr. Speaker, as we spend time together here in this Chamber tonight and by extension electronically with citizens of this great Nation from coast to coast and beyond, one cannot help but remark on our proud heritage and our history. And I would thank very much not only the majority leader but our colleague from Pennsylvania, where so much of the early history of this Nation took place, and the distinguished Majority Whip for offering his thoughts as well.

Indeed, as the Whip explained, Mr. Speaker, from the vantage point of the Speaker's chair we can see the visage of Moses represented here in this Chamber looking down on these proceedings. And indeed, Mr. Speaker, above the chair where you sit are inscribed the words, "In God we trust."

So tonight, Mr. Speaker, and my colleagues and fellow citizens, it is important to reaffirm what it is we believe, to stand and celebrate the notion that we are free in this constitutional republic to worship God according to the dictates of our own conscience.

Indeed, citizens are free to choose not to worship God. But even as we acknowledge that freedom, we must also acknowledge that tremendous history and tremendous responsibility that is inexorably part of the American experience. Here we stand free to express our ideas, our convictions, our philosophies in this Chamber; and citizens around the country are doing it I think tonight in a City Council meeting in Flagstaff, Arizona. Similar meetings may be going on in Fargo, North Dakota, or in Philadelphia, the cradle of our liberty, as our colleague from Pennsylvania pointed out. And undergirding all these notions are firm and solid principles.

I could not help but reflect, as I heard our colleague from Pennsylvania offer his historic observations, of the actions involving our Founders, not only the actions taken to win our independence but subsequently the actions taken at that constitutional convention at what became Independence Hall, actions that were so incredible Catherine Drinker Bowen called the entire proceeding in her great and definitive work the "Miracle at Philadelphia." And from that heritage and from those principles springs the deep convictions of our citizenry.

Polls can never take the place of principles, and yet polling information offers insight into the psyche and indeed the souls of America. And in stark contrast to some of the polling results that have been offered by various media outlets in recent days, there are important things we can see from surveys taken across our country.

A Terence survey reports that 71 percent of Americans polled in this Nation

believe that our Nation confronts a moral crisis. Contrast that with only 16 percent of Americans believing there is an economic crisis. So, indeed, even as there are times of economic plenty, citizens of this country are concerned that there are problems with the morality and the fealty and the convictions which we attempt to affirm and uphold each day.

Pew Research Center suggested that a decline in moral values was the top problem facing our Nation, three times higher than economic insecurity.

Indeed, Mr. Speaker, as we come and we celebrate our diversity in the fact that many of us celebrate and worship God according to many different traditions, I know that many of us pray for the wisdom of Solomon, that we might, in taking on these constitutional responsibilities, understand that with freedom comes those responsibilities. And indeed, those unique circumstances the constitutional republic offers us in this role in this Chamber are mirrored by responsibilities that belong to each and every citizen. Other speakers have bemoaned the fact that four out of 10 children in America tonight will go to sleep in a home where their father is not present.

Our distinguished Whip reaffirmed legislative priorities that help affirm the principles that have made this Nation great. We can see this not only in remembering and holding in reverence the words of our Constitution but also on the Nation's bookshelves, as so many Americans seek out supplements, if you will, to scripture on the notion of spirituality.

Annual sales of religious books has topped $1 billion in this Nation in 1997. The sales increase of these items grows at a dramatic pace, nearly 100 percent over the last 3 years. Indeed, the best-seller that remains number one on every list in this great country remains the Holy Bible. Last year, nearly 30 million Bibles were sold in the U.S., far dwarfing the sales of any other book in our Nation's history.

Indeed, as we stand and celebrate that fact, we cannot help but note that, in this world, as others begin their business day, indeed, across the dateline, as others live in another day temporally, sadly there are areas in this world where that very freedom to pick up Holy Scripture is abridged, where that notion is denied. How more remarkable, then, is this great constitutional republic.

Indeed, even as Americans are concerned about a moral crisis, there are signs that America in general, from Main Street to Wall Street, seeks the help of the supreme creator.

In new technology, matters of faith are leaping to providence. On the Internet, the Christianity on-line web page is named as one of the most popular web sites on America Online.

In my former profession of broadcasting, we have all witnessed the phenomenal success of Dr. Laura Schlessinger who has taken to the airwaves to reaffirm the simple notions of faith and family and fealty to those principles which made us great and to the responsibilities engendered in taking on fatherhood, in taking on marriage, in taking on a leadership position, not only at home but in a fellowship of faith or in a business or, dare I say it, in a position within government.

Mr. Speaker, I have learned a lot in traveling the width and breadth of the Sixth Congressional District of Arizona, an area in square mileage roughly the size of the Commonwealth of Pennsylvania. A message continues to come from my constituents, many of whom had forbearers who came to what was a relatively desolate place at one point in our history, folks with the help of technology and faith literally made the desert bloom. It has given flower to freedom but, with that, a notion that is not peculiar to the West but reaffirmed there that with freedom comes responsibility, and those responsibilities we dare not shirk.

The other note I have heard, Mr. Speaker, from my constituents is this notion that while there are those who say you cannot legislate morality, it is also true that you cannot exercise moral leadership without a firm foundation of moral authority. So that is what we seek.

Even as we celebrate the differences in our religious expressions and backgrounds, even as we celebrate the fact that we will not all speak with one voice on every issue when we come into this Chamber or stand in this well or cast a vote on behalf of those we represent, but we give thanks for the opportunity to be here to be able to worship according to the dictates of our own conscience, to discuss these matters freely and openly, and to have the opportunities to see that we can address the so-called moral crisis with a commitment to seek wisdom, with a commitment in the words of the prophet Micah to do justly, to love mercy, and to walk humbly with our God.

With that, I yield back to our distinguished majority leader.

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Mr. ARMEY. I thank the gentleman for his contribution. It is truly appreciated. Mr. Speaker, we will follow up the distinguished gentleman from Arizona with the distinguished gentleman from Missouri (Mr. TALENT), who will give us further reflections on this subject.

Mr. TALENT. I thank the majority leader for yielding to me. It is always hard to follow my friend from Arizona.

Mr. Speaker, we are a country that has been blessed with great prosperity. With our affluence has come more choices for all the American people. The more choices we have, the more important it is to exercise responsibility along with our freedom. Mr. Speaker, the law does not directly legislate responsibility typically. It does not require directly that you engage in moral activity. It just says you cannot engage in activity that hurts other people. There is no reason why the law should do that. Typically there are very important consequences that follow socially if you do exercise these choices in an irresponsible or an immoral way.

There is no law, Mr. Speaker, against lying. If you lie too much, you are going to find yourself without any friends. There is no law against borrowing too much. But if you do, you typically end up losing everything. The problem is not that our laws do not, except in very limited areas, legislate responsibility along with freedom; the problem is in the last generation or so, we have allowed government policies to develop that actually detach responsibility from freedom, that actually seduce people into exercising their freedom in a way that is irresponsible because it at least holds out the prospect of immunizing them from the natural and normal consequences that typically follow from making bad choices. We see that in a lot of areas of the law.

The criminal justice system over the last generation developed in a way that tended to treat criminals as if they were the victim and so sent the messages to young people that they were not responsible for their behaviors, that if they did wrong it was because they were the victim of an unjust society. The tax system that punishes savings and investment by taxing it tends to reward people who consume and spend everything that they earn.

And then the subject, the area that I want to discuss tonight very briefly, Mr. Speaker, the welfare system, which is perhaps the best example we have of a system that over the years made it harder and harder for decent people to live honest, responsible lives. Today we are living and they are living with the consequences of that system. Mr. Speaker, in the immediate postwar era in the late 1940s, the poverty rate in this country was around 30 percent. It declined steadily for the 20 years following that until 1965 when it reached 15 percent. It was at that point that the Federal Government declared war on poverty. The Federal Government decided that it was going to help poor people in this country, a natural and good impulse. But it did it by providing the wrong incentives.

Mr. Speaker, there are two programs, if you will, two things that typically over the generations have gotten Americans out of poverty, that has gotten my parents out of poverty, that gets people out of poverty or got their parents out of poverty, because, Mr. Speaker, almost everybody in America either grew up poor or had a parent

who grew up poor or at least had a grandparent who grew up poor. So this is not something that most people are not familiar with. Those two things that tend to get people out of poverty the quickest in this country are work and family, typically marriage. The Federal Government decided in 1965 that it was going to condition a very substantial package of assistance on people doing neither of those things, a package of assistance that grew until it reached $8,000 to $15,000 a year in cash and other kinds of benefits, an amount of money that seems very, very large to a person coming from a low income background. What the government said in effect to people was, "Look, if you don't work, if you get married without having children, we will provide you with a large package of assistance." And so we effectively changed the behavior that people would otherwise engage in. If people wanted to get out of poverty in the way my parents did it, that is the way that requires a lot of faith, a lot of work, a lot of long-term thinking, a lot of responsibility. You have to decide that in America, you can make it out by working, make it out by staying in school as long as you can, make it out by raising a family after you have married someone who has made a commitment to doing that. That is one alternative that was available to people from lower incomes. Then the other alternative the government was offering was, "Now, wait a minute, you can have an apartment of your own, you can have health care, you can have food stamps and you can have walking around money. All you have to do is not get a job and have a child without being married."

Then we were surprised at the results, Mr. Speaker. The poverty rate in 1965 when the Federal Government declared war on poverty was 15 percent. In 1995, 30 years later, it was still 15 percent. Only we had changed the poverty from something that was transient, that typically went away after a generation, to a situation where people were mired in dependence on the government without the family or neighborhood support that had made it possible for them to get out of poverty. What we got was not a decrease in poverty but a vast increase in the out of wedlock birthrate, from about 6 percent in 1965 to about 32 percent in 1995.

What a sad thing, Mr. Speaker. I talk very often to teen moms. What a sad thing, because if you are 16, 17, 18 years old, you have had a child, you are not married, you have not finished school, you do not have any family support, well, then you really are not going to get out of poverty very quickly probably, and it is heroic that so many young people are trying, notwithstanding the incentives in this system. They wake up after a couple of years and realize that what they were seduced to do is a dead end.

We changed that with an act in 1996 that was aptly called the Personal Responsibility Act of 1996. We are already experiencing the good consequences of that as caseloads around the country are dropping on average 20 to 25 percent, something that has not happened in the postwar era. The system, Mr. Speaker, was such that as my friend the majority leader said one time, "We need to reform welfare, not because people on welfare are abusing the system but because the system is abusing people on welfare."

Let me just say, Mr. Speaker, that that bill should be a model of what we try and do and in fact have done in other areas. We have reformed substantially the incentives in the criminal justice system. We have made a start in changing the tax system. We need to continue linking once again the law to responsibility, linking once again the responsibility that people normally have for the decisions that they make. That is the way to rebuild America. That is what we are trying to do here. That is the new consensus that is emerging in Washington. Mr. Speaker, it has been a pleasure to declaim on this subject for a few minutes.

Mr. ARMEY. I thank the gentleman again. Mr. Speaker, here we are. We have had a pretty decent, as we like to say, truck driver's review of a lot of the things very important to the American people. The gentleman from Pennsylvania (Mr. PITTS) came in earlier and talked about the founders of this great Nation, how they were governed by faith, born mostly from our Judeo-Christian traditions; how serious were such words as honor, duty, dignity, respect, decency, morality, ethics, truthfulness, and how much that was the foundation on which this great Nation was built. We have had some look at the character and the nature of the American people. For all our foibles, Mr. Speaker, we really have not as a Nation strayed that far from those wonderful, courageous, devoted, dedicated people that founded this great Nation. We are still fundamentally good people, and we are still fundamentally people that depend upon rules of law and rules of governance around which we might organize ourselves and our personal lives and our relationship to one another. We do look to the government. Then it comes to some of us to be part of the government.

I was struck today, I had for me an incredible privilege. I actually was able to substitute for the Speaker of the House today in the business of swearing in a new Member of our body, 435 people, all of whom are given a trust, a sense of responsibility, a certain amount of confidence and faith and expectation placed in each and every one of us. I suppose maybe we do not stop and think back about how big a deal that is in our lives and how big it can be in the lives of others who have trusted us. I am sure the gentlewoman from California (Mrs. CAPPS) did today on this day of her first day of work as a Member of the Congress of the United States, charged with the responsibility of writing law.

I think what we must do is ask ourselves, what is our responsibility? Who are we and what are we doing here? We look for examples. We in Texas, for example, like to cite our favorite Speaker Sam Rayburn, a man of great sage advice. We read the history books and we know of other great Speakers. We know of other great Members. We have read Profiles in Courage and we all hope that someday we might be included in the same way. But how do we decide the model that will govern us? What a difficult thing to reconcile the authority and the responsibility placed in us with the fact that what it is we are responsible for is to writing the law by which a Nation of free people will govern itself.

It begins, I believe, with our first knowing the goodness of the American people and first committing ourselves to represent the best of the American people, not their fears and not their doubts and not their reservations or their jealousies or their envies or their angers, but what is truly the best of their hopes and their dreams, their abilities, their contributions, their citizenship and, yes, indeed, their faith. So we look for examples. It is not enough, I believe, for us to be here and be satisfied that the work we do is good. I think we must go beyond that and conduct ourselves in our own personal life either on the job or off such that others that look to those of us that were given this responsibility and this privilege and yes, this authority, will see in us an example of someone that is good, that is at once an example that can be held up before your children and at the same time an encouragement to those children to live out in their lives the best of all that goodness that was placed in each and every one of those precious children by a wonderful God and Creator who had the generosity to create us after His own image.

So where do we look? Let me suggest that we look to that Creator, that most wonderful Creator who must have had his frustrations, do you not suppose, with the children of Abraham, as we read in the Old Testament, as they wandered and they struggled and they were serving and they vacillated between faith and doubt? How many times do you suppose they let their God and their Creator down with their inability to understand or their inability to accept or their inability to practice in their own lives a disciplined faith? Yet He never left them. How many times have we said, you and I, in our own childhood and we have heard it from our own children, have we not, "Well, if God is so powerful, why

doesn't he just stop me from doing those things?''

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So if I was bad, it must be his fault. But that is what freedom is all about, is it not, giving us both the freedom to do, to choose, and the responsibility that goes with it.

As I read in the Old Testament about the struggle and the search of the children of Abraham and the expressions of hope by their God and their Creator, our God and our Creator, I am struck by something. The Lord God Almighty looked down on these people searching for a way, and He said, I hope My children will know My laws and obey them so things will go well for them. He did not say, so that they would know My power and know My authority and know I am in command here. His hope was about His children, that they would know His laws and obey them so things would go well with them.

Lord God Almighty did not give us many laws, Mr. Speaker. He gave us a lot of helpful suggestions, many of which can be found in Proverbs, my favorite book of the Bible. So many helpful suggestions, but very few laws. It should not be hard for us to remember them. But Lord God knew His people. He knew the goodness that was in these people. He knew their needs, and He wrote only those laws that were necessary so that a free people, knowing his laws and obeying them, would find that things would go well for them.

Maybe, Mr. Speaker, as we practice the authorities and the responsibilities and the privilege granted to us by people that have elected us to these positions, maybe someday if we are successful, we can draw from that model; we can look back on our careers, we can look at the way we have conducted ourselves as an example before others, and hopefully, as an encouragement before others, and look at our legislative record, and maybe we can say, I hope my children know and obey my laws so things will go well for them. And perhaps, if we can have any confidence, we might in some way emulate that wonderful kindness and great charity given to us by a God who is of such generosity that He would create us humble beings in His own image.

It is a serious matter we have discussed here this evening. We have not done justice to it. We find ourselves leaving this hour's discussion, even after the wonderful contributions given by the gentleman from Pennsylvania (Mr. PITTS); the gentleman from Arizona (Mr. HAYWORTH); the gentleman from Missouri (Mr. TALENT); and the gentleman from Texas (Mr. DELAY), and my own meager offering here, probably with more questions than answers. But are they not great questions, Mr. Speaker? Questions about the goodness of a people in a land that was created by people to do honor to the greatest gift of all, the gift of freedom from Lord God Almighty, our Creator.

CONTINUING STATE OF EMERGENCY IN AFRICAN-AMERICAN EDUCATION

The SPEAKER pro tempore (Mr. BURR of North Carolina). Under the Speaker's announced policy of January 7, 1997, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I want to talk about the continuing state of emergency in African American education. I have come here many times to talk about education, and I may seem repetitious, but I only come because I do not see enough movement among the decisionmakers at any level to deal with the emergency that we confront in the African American community. I do not see enough movement at the Federal level, I do not see it at the State level, I do not see it at the local level either, and I think that it sort of contradicts the intense feeling of the American people about education. They really want us to make some movements in a more rapid and a more positive way toward resolving some of the problems that our schools face.

Despite the fact that the polls continually show that the American people rank education as a priority problem, there is this slow movement, and the problem faced by the mainstream community is serious enough. However, the problem faced by the African American community, where most of our young people who are school age are concentrated in the big cities of America, in the inner-city communities, they are staggering. The schools in many of our big cities are literally basket cases, and that is no exaggeration.

I do want to punctuate my remarks before I go into a more thorough discussion of the emergency in the African American community, the education emergency, I want to punctuate my remarks with some good news. There is some good news that I would like to share with the people out there whose common sense has helped to make this happen. The common sense of the American people keeps bubbling up and getting to some of our top decisionmakers, and I think that it is finally breaking through to our top decisionmakers that construction, school construction, is at the heart of any effort to improve our schools.

School construction and school repairs and things related to the simple matter of physical safety, and adequate equipment in the schools, those matters are central to any improvement efforts we make. One cannot really seriously talk about reducing class sizes and having a better ratio of students to teachers unless we also build additional classrooms. These are commonsense matters, but there are people who want to move on to reduce the sizes of classes, but they do not want to talk about construction. That costs too much money. They want to deal with a nonsolution.

If we do not have the classrooms, and we talk about funds for more teachers, then that is a nonsolution. More teachers cannot decrease the ratio of students to teachers if they do not have a classroom to go into to teach those students.

So the good news is that at the meeting this afternoon, Vice President GORE announced that on April 8 there will be a national forum on the whole issue of school construction, a national electronic forum. We are going to have a big event here in Washington that will be broadcast all across the country, and various groups will be meeting, and satellites will tie in some of the discussion.

It is a very important development because it means that as far as the President is concerned, as far as this administration is concerned, they are not slacking, they are not hesitating to go forward with their push to get something accomplished that is significant in school construction in this year.

I was disappointed that it fell off the radar screen last year. Somewhere the negotiations between the President and the majority party in the Congress, construction got lost and was taken off the table. It is quite clear that the President does not intend to take it off the table this time, and one indication of the commitment of this administration to a construction program is the fact that on April 8 there will be a national forum, a national discussion.

Everybody is invited to do something at their own local level. I think Congress at that time will be on recess, but we are invited to do things back in our district, and I certainly plan to make certain that we do something of high visibility in my district to link up with the administration's effort to put construction, school renovation and things related to providing safe physical facilities for our children on the front burner in everybody's mind.

We need to raise the level of awareness still of the voters and the average citizen, but I think they may already be ahead of the decisionmakers in our city councils and the decisionmakers in the State legislature and some of the decisionmakers here in Congress who are still not aware of the fact that this is crucial. Construction and everything related to physical facilities is crucial.

The President's proposal is for $22 billion in loans. The loan program that was proposed last year has been made better by the fact that the last year's proposal talked of low interest rates and the Federal Government subsidizing so that those low interest

rates would be there for the districts that chose to borrow to build schools. This time, the proposal says that there will be no interest rates. In other words, no interest will be charged. The principal is all that the locality will have to pay back. They are going to subsidize through tax credits. The lending institution, a variety of institutions that are going to participate in this process, the lending institution will receive a tax credit which will cover what they would normally be charging in interest, and the Federal Government will be responsible for that tax credit.

This is a proposal that still has to pass. It has the support of the administration and in large part of the Congress, certainly the Democratic Members.

I hope that we can keep a focus on this common-sense agenda. It is a simple matter on the one hand; it does not take a Ph.D., a very high IQ, to understand that we cannot improve education unless the place where the children come to learn is properly equipped, it is safe, conducive to learning, the laboratories have equipment for science courses that are held; there is a library. There are all kinds of things that need to happen.

We need to also consider educational technology, telecommunications equipment, computers and video equipment. All of that is not a luxury anymore. That should be integrated into the whole process of improving our instruction, and those are capital items that ought to be in the fiscal facilities' budgets. Let us keep the common sense on target.

Let us support the effort on April 8 and use it to further pressure our elected officials to move on school construction. They can move in New York City. They have more than $1 billion surplus. They expect $1 billion surplus from this year's budget. That surplus should be dedicated partially, certainly, to some aspect of school construction. Maybe New York can show that it cares about its children by first dedicating part of that available $1 billion surplus to the elimination of coal-burning furnaces.

We have almost 300 schools that have coal-burning furnaces, and we could move to eliminate those coal-burning furnaces. Maybe on April 8 in New York City, we need to highlight this whole matter of the coal-burning furnaces as a way to get it started. New York State has more than $2 billion in surplus, and that surplus, some part of that could be dedicated to the elimination of the coal-burning schools. There is no reason why the combination of the city surplus funds and State surpluses could not be used right away to eliminate the coal-burning furnaces.

We do not have to wait for the Federal Government, but I am grateful that the Federal Government, under the leadership of President Clinton, is going to remain on target. I hope that out of shame the localities like the State of New York and the City of New York, local governments and State governments all over the country will be shamed into getting out there and taking the lead before the Federal Government comes to our rescue, and I hope that the Federal Government's insistence that something must be done will certainly wake up the citizens to push and pressure and demand that we get some action on this matter of school construction.

□ 2100

School construction is at the heart of any improvement, but there are many other things that have to happen.

Tonight I do want to talk about some of the other things that must happen in order to really improve education in general and, specifically, education in the African American schools, schools where most of our African American students are educated.

They still are, by and large, segregated in big cities in the North and far West. The patterns of housing are such and the dwindling commitment to integration is such that most of them are still going to school in segregated schools.

I do not plan to deal with the virtues of segregation versus the evils of segregation, or the virtues of integration versus the evils of integration. I do not care to deal with that tonight. I think that the fact is that the way things have developed, we have large numbers of African American youth in inner city schools, and those schools are in terrible shape.

I want to talk tonight from the base of a lecture that was given by an expert on this subject. I want to use excerpts from that lecture to pinpoint the kinds of things that are happening in African American education across the country.

I heard a presentation by the author of this lecture. I heard the presentation on February 25 at Howard University, where we had a breakfast forum sponsored by the National Commission for African American Education and CRESPAR. CRESPAR is a program funded to help students placed at risk by OERI, the Office of Education, Research and Improvement.

A combination of CRESPAR and the National Commission for African American Education sponsored this forum. This is the first of three forums. There is one each month; and one is going to be held on March 25, also at Howard University; and another will be held in April.

The subject was the state of African American education, and the presenter was Dr. Antoine M. Garibaldi, who is the provost of Howard University. Dr. Garibaldi had previously given a lecture, the annual Charles H. Thompson lecture, on November 5 of last year. This lecture was used as the basis of his excerpts and his summary presentation at the February 25 breakfast forum sponsored by the National Commission for African American Education and CRESPAR.

The contents here, what I am about to read some excerpts from, this total presentation will appear in the Journal of Negro Education in the spring of 1998. I do not know, they do not give the exact publication date, but the contents of this presentation will be there in full. The Journal of Negro Education will have this lecture entitled, "Four Decades of Progress and Decline: An Assessment of African American Educational Attainment." So I am going to read some excerpts from this presentation, which I think is a very good summary.

I also want to utilize the recently published test results from the New York City school system. The New York Times and the Daily News and some other papers carried the results of the reading and math tests for the elementary schools, and this past week they had the results from the middle schools and the high schools also. I have with me the results. I am going to confine my remarks to the elementary schools and the test results and what that means.

I think New York City and the education system in New York City is an excellent place for case studies, or one big case study. We have a system with 1,100 schools and 1,100,000-plus students, more than 60,000 teachers. It is a fantastic laboratory for education. All kinds of things are going on there. It is a central-policy-making body, but it only makes general policy.

They have 32 community school boards, and they differ in the policy-making bodies that they have. Therefore, the policies and the emphases differ, even though they are under one basic chancellor and one board of education. These differences are very interesting to behold. There are patterns that apply throughout the city to communities that are similar in terms of income and demography, and there are patterns sometimes that are broken, suddenly.

When you see schools that break out of a pattern, it seems to me a good example to go study and find out why you have a high-performing school in an area of great poverty, when most of the schools in areas of great poverty in New York perform very poorly.

The results of the reading and math tests, the test scores, in summary say to me that we have a basket case of a system in many of our districts. Many of our district's education has almost ceased to take place. The scores are so low that you cannot say you are educating anyone. Too many of the districts have those kinds of reading and math scores.

I think that I could venture safely to say that the school system of New

York City today, in 1998, is much worse than the school system of New York City was 10 years ago, in 1988. In 1998, it is much worse than it was in 1988. Ten years have been 10 years of decline.

One major reason for this, an obvious reason, is that we pulled the leadership out of our schools. Responding to budget emergencies in the school system, we encouraged the most knowledgeable people, the people with the most experience, to leave the system. To save money, we wrecked the system. No corporation when it downsizes is as foolish as the New York City school system was.

I will not say the school system was foolish. I do not think the teachers and administrators who made those decisions were foolish. It was the city hall and the budget crisis that motivated and pressured the system into taking these tremendous cuts by encouraging the most experienced staff to leave because they had the highest salaries. They had advanced up the ladder and those were the highest salaries.

You can save a lot of money if you get rid of high-salary people and you bring in brand-new people to start at entry level. The problem with people starting at entry level, they have no experience as to how to run schools, as to how to teach. They need people with experience on top.

That one action, which was really driven by budget considerations, it was the wrong decision. They should have done something else, somewhere else in the budget. The last thing that should have been done was to encourage the leadership to leave the schools.

So we have schools that were not good 10 years ago that are far worse now as a result of many forces, but the major factor is the fact that they pulled out the leadership. They pulled out the best teachers and the best administrators.

We cannot blame this on the top administrator, because we have had three or four top administrators in the position of chancellor in the last 10 years. The present one has been there 2 years, and we cannot really hold him accountable for what has happened. A chancellor in New York City would have to be around for 5 to 10 years before we could really hold him accountable. I hope we can maintain some kind of continuity and the present chancellor will be around long enough to see if that leadership has some continuity and will be able to stabilize the system and stop it from going down more rapidly and also to improve the system.

I also want to speak about some observations that I have in the pending markup of the Higher Education Assistance Act tomorrow. I want to talk about the impact of higher education and what is happening in our colleges, on what is happening in our African American elementary and secondary schools.

I am talking about the state of emergency in African American education. The emergency goes right through with higher education. The number of students in higher education is nothing to brag about. We have an increase, and I am going to talk about that number of African American students in higher education, the number who have graduated, the number getting masters' degrees and Ph.D.s. Those are increasing, but far too slowly.

The number who are going into teaching, who come out of college, is decreasing. The number of African Americans who go into teaching and the percentage of African American teachers in the schools where the greatest number of African American students attend has declined over the years. It has gone down. That is part of the problem.

I want to make some observations about the fact that we are considering the reauthorization of the Higher Education Assistance Act in a markup tomorrow in the Committee on Education and the Workforce. The Committee on Education and the Workforce will be considering this piece of legislation, which is only reauthorized once every 5 years, so it is a critical piece of legislation.

As we go into the 21st century we are making a statement about the role of the Federal Government in higher education. I am not pleased with the kind of openness of this discussion up to now. I am not pleased with the breadth of the inclusiveness of this discussion.

I have been here in Congress, this is my 16th year. I have gone through two reauthorizations of the Higher Education Assistance Act, and the other two were under our former colleague from Michigan, Representative Bill Ford, who later became the chairman of the Committee on Education and Labor, and Bill Ford was noted for his inclusiveness in the decision-making.

The way he approached the reauthorization was a whole year in advance he began the process. He started the process by sending out the old bill, the existing law, and asking for comments on existing law. A widespread request went out to all the people in the higher education community, asking them to give us their input as to how they would like the existing law changed. He started this process a whole year in advance of the markups.

We had a process where people were involved. We had hearings at the regional level. We had hearings in Washington. We had all kinds of discussions going on in the higher education community, and when we finally came to the process of markup, there was a thorough understanding of what the issues were, a thorough understanding of what was being proposed.

Then the markups went on sometimes for quite a long time. The higher education markup never concluded in one day. It is too great a burden to bear to rush through this process, and I hope we do not rush through it tomorrow.

I think as we approach the year 2000, given the fact that the country now is enjoying one of the greatest eras of prosperity that we have known in this century, given the fact that we do not have to worry about deficits anymore, given the fact that there is no Cold War, given the fact that there are places where there are large numbers of vacancies, job vacancies, especially in the telecommunications and information technology area.

The information and technology area requires higher education beyond high school, generally; and there are a great number of vacancies. They estimate there are as many as 300,000 vacancies. I get a different number every day, but it keeps climbing. There are 300,000 vacancies now, and the projection is that this is going to go on for the next 10 years.

We are going to need more and more people who are trained and well-educated with respect to information technology. We are going to need people who are not so well-trained. For every genius, we are going to need some assistance. For the designers for web sites and computer systems and software, we are going to need their helpers.

We are going to need technologists, mechanics, aides in the schools. We are going to need a whole bevy of people to make educational technology work. If you saddle a teacher with the burden of having to take care of her own educational technology program with no help, the likelihood is they are going to be overwhelmed. So they need technologists in the schools. They need aides in the schools. They are going to need all kinds of people.

I do not think that they have taken into consideration all of the places we are going to need technology workers. It is one item that should be considered as we consider a Higher Education Assistance Act. I will be offering an amendment tomorrow which deals with this.

Finally, I want to end my comments on the continuing state of emergency in African American education by discussing a situation in New York City at another level. We had a problem with our elementary and secondary schools. We now have a problem with our higher education institutions.

The City of New York, CUNY, the City of New York University system, the CUNY system has more than 200,000 students. There are all kinds of junior colleges, senior colleges. It is a huge enterprise; and a large number of the colleges, community colleges and senior colleges, have remedial education programs.

For some reason, the mayor and the Board of Higher Education has declared

war on remedial education. Suddenly, remedial education is being treated with great contempt. They have remedial education courses all over the country. I do not know why suddenly in New York remedial education programs are being treated with such great contempt. It is a great mistake.

There is a crusade against remedial education, blindly lashing out and saying it does not belong in the schools and threatening to extract them and put them at the institutes. There is a whole lot of heat being generated about something without very much light. I am going to talk about that as part of my total discussion on the continuing state of emergency in African American education.

I am pleased to see that I have been joined by my colleague, the gentlewoman from California (Ms. MILLENDER-MCDONALD), who I yield to for a statement.

□ 2115

Ms. MILLENDER-MCDONALD. I thank the gentleman so much. When I heard the gentleman speak about the emergency state that our education system is in, I had no other recourse but to come to this floor. Let me first thank the gentleman for his unwavering, tireless efforts on behalf of the children of this country because he comes to this floor every night to talk about the conditions of education in this country and until we do something about that, I am sure he is going to continue to come and he is going to pull some of us out. Because we recognize what the state of emergency the education system is in, as I serve on the National Commission on Teaching and America's Future, I was pleased to hear the President's education initiative that he brought on the night of the State of the Union. And there are two very key components of that education initiative. One is the 100,000 new qualified teachers. We must have qualified teachers to teach our students if they are to engage in this global work force beyond the year 2000.

The second part of that initiative is school construction. We can ill afford to talk about the infrastructure of our roads and bridges and not talk about the infrastructure of our schools. You are absolutely right. They are delapidated. They are the worst things that we can provide for our children when we talk about environments that are conducive to learning.

I have gone to a lot of schools, the majority of the schools in my district, but a lot of other schools across this Nation. It is absolutely deplorable that we want to talk about educating our children when we do not put our money where our mouths are in, putting up the funds for the school construction to build the infrastructure for educating our children. It is absolutely unconscionable that we sit in this House and those on the other side of the aisle speak about education and speak about productivity when it comes to businesses but they do not see that it starts in the classrooms. When children have to run for cover when it rains because of leaky roofs, when they are sitting in classrooms and the plaster falls from the walls and from the top of the classroom and they have to run, that is lost productivity in a sense because they are not being trained. Therefore, they are not learning and it impedes those students.

So what you are talking about is absolutely the number one issue in this country. If we are going to talk about education and the quality of education, we must first put our children in classrooms and facilities that are conducive to learning.

I brought some statistics along and I want you to just hear me out here for a second. One-third of all elementary and secondary schools in the United States serving 14 million students need extensive repair or renovation. Now this is what we are talking about.

Mr. OWENS. I am pleased that the gentlewoman has brought these statistics. You are talking about all students. We are talking about the mainstream. I am going to focus on just the African American community, but it is bad in many other places outside the African American community, suburbs and rural as well as in the inner cities.

Ms. MILLENDER-MCDONALD. Absolutely. I come from inner city so I am talking about the schools in the Los Angeles Unified School District, in the Compton School District, in the Long Beach School District. These are urban school districts that I am talking about, with the majority minority students. As we look at the work force in the year 2000 and beyond, it will be a majority minority. But we cannot educate kids in these dilapidated schools. That is what we are talking about.

Minority students, African American students, Latinos, Asians and others, they will not be able to move into the 21st century because they will be behind having been impeded by the lack of infrastructure in these schools.

Let me give you some more statistics. Over 60 percent of the Nation's 100,000 public and elementary school facilities need major repair. We are talking about schools across the strata but we are really talking about a lot of the urban schools because that is where the parents are not able to put money into the schools to help, whereas in suburban schools, some suburban schools and some is rural schools. Rural schools and urban schools are pretty much in the same boat. They, too, are witnessing a decline in school facilities that will not be conducive for children and their learning. In 1996, an estimated $112 billion was needed to repair and upgrade school facilities into a good condition, not excellent condition, which means that the child might come in and something, plaster might fall on them. So when you talk about our African American children, you are talking about schools that are absolutely dilapidated and we should feel badly, we should really feel, talking about feeling ungodly, we should when we ask kids to go to these types of schools to learn. We do not come to this House where the roof is leaking and the plaster is falling. Why should we ask the 50 something million children in this country to be put in that type of environment.

So I am happy tonight that you have come to talk about that and to talk about all of the things that are impeding the quality education, public education that is sorely needed in this country. Public education must be the tool that helps African American children, other minority children to get the head start that they need if we are going to cross this bridge into the 21st century with students and ultimately workers to be prepared for this global work force.

I will defer to the gentleman.

Mr. OWENS. I think you have said public education. I just wanted to make a note here that large numbers of parents in the African American community, when they are interviewed for polls have been indicating that they want to send their children to private schools. The majority party, the Republicans are offering vouchers and scholarships, et cetera, to go to private schools as an answer, a solution to this problem. However, I have no problem with parents who want to send their children to private school if they can get them in. We have the mayor of New York with a scholarship program which provides spaces in private schools for 1000 youngsters. There are 1,120,000 plus youngsters who go to school in New York. So when they put out the indication that they want applications for the 1000 places, they got 22,000 applications, 22,000 applications for 1000 places. Here in Washington I understand they had a situation where they put out the same thing. There is a scholarship fund that has been set up by the private sector and they got 7000 applications for 1000 different places. Suppose they had more money and could give more tuition scholarships, how many private schools are there that can absorb the youngsters who are attending our public schools? How many are there and how quickly will they run out of space? Many of them have waiting lists for people who can afford to pay. They do not have room for them, let alone people who are coming in on the scholarship basis. So most of our children are going to be educated in public schools. I am all in favor of charter schools and experimenting with charter schools, but the reality is that in the next 10 years most of the children of America, certainly 95 percent of the children who

live in the inner city who are African American are going to be educated in public schools. We have to improve public schools. That is the only real solution that is going to help African American students and parents.

Ms. MILLENDER-McDONALD. And the one real solution to keep America strong, we must invest in public education. Vouchers are not the answer. I can tell you that unequivocally, because when you give the vouchers, you are only giving X amount of dollars, supposedly, for the tuitional fee or tuitional cost of the student going to a private school. But you do not take into consideration the transportation that the parent has to provide for that student to go over there. If that student gets ill, the means by which or the inability of parents to go, to find their way to the school to take the child to what we perceive now, not really any health care facilities at all. The kids are not networking in the community of which they live. As a former educator, I will say to you, I fought the voucher in California and will fight it again because vouchers are not the answer. I am for charter schools, for those experimental types of schools that will allow the local control to be in control of their schools and that is because parents are involved in that process. That is why I am open to that concept. But never to the one that suggests that vouchers will be the answer when vouchers have not and will not be the answer to quality education for students. You are taking them out of their neighborhood environments. You are putting them ofttimes in environments that are more hostile because they do not know anyone and it becomes an isolated environment and then the parents are ill prepared to go and get the child if the child is sick. And so the voucher system is not a system that will work. I submit to you that a lot of our Presidents went to public schools, finished public schools.

Mr. OWENS. We share the same sentiments, but I think you are aware of what is taking place in the African American community, that there are large numbers of parents who have given up on the system and they want, they say they want vouchers. The polls show this. What is happening is our Republican colleagues, by the way, they know that in their districts their constituents do not want vouchers. Their constituents want continued improvement in public schools and they think they have good public schools so their own constituencies are not interested in vouchers. They are going to go out and advocate for the African American parents that they should have vouchers and they are using them as guinea pigs, they are whipping up all of these false promises about what vouchers may produce. And as I pointed out before, when you come to the point where you have the places in the private schools that are all too few and nevertheless they keep pushing the idea that vouchers are the answers to school improvement in America. It is a dogma. They seem blind to the reality and to reason. They go right ahead. But they are parading, there are parading African American parents out to support that argument. Our first duty is to get to the African American parents and leaders, and it is hard to tell them not to give up on the public school system because they have gone through so much and, as I said before, New York, things are getting worse in the public school system. But we have no choice. We have to drive it home. We have no choice. Most of our children are going to be educated in the public school system. We must improve the public education.

Ms. MILLENDER-McDONALD. Absolutely. I am a product of the private schools, but my father paid for the tuition, not, he did not strip public education funds for me to go to a private school. And so I submit to you for parents who want to pay for the private tuition, so be it. But we can ill afford to have anyone in this body strip the funds from public education to trick parents into going to schools whereby the parents will not be able to continue, first of all, the tuition fee. Tuition fee as we looked at this a couple of years ago when we had that as a proposition on the California ballot was beyond the amounts of money that the voucher system would entitle them to have. So consequently, they would not have enough money to even pay for the tuition, let alone the transportation and all other factors that are embedded in this whole notion of transferring kids from public schools to private schools. I will say to you that I am not for that, but a lot of my parents are not for that; they are African American parents. Maybe it is because we have drilled them quite a bit. We have had sessions with them, and they do understand the ramifications of the issue if in fact they would choose to do that. And they do not choose to have a voucher system.

Mr. OWENS. Maybe it is because they have excellent leadership in an educator like you. They understand better.

Ms. MILLENDER-McDONALD. We are trying to educate the masses because I think it is important that we do that. I think we as CBC Members should really do the network and the cross to the school board Members and others to educate our constituencies to let them know that stop before you pick up the wrong plum because that might not be the plum, that might be the plum with the worm in it.

□ 2130

We must be careful of folks coming in sheep clothing because it may not be the right thing that is applicable to our child getting a quality education.

I think we can do that. We can do that and should do that expeditiously so that we can provide the type of leadership that African Americans and other minorities need when it comes to this voucher program. We must just turn off from that and start looking at the number of children who must be educated by public schools and get the type of school facilities that will be conducive to these kids and a quality education.

I am just appalled at us still hammering out and staying on this one issue of vouchers and not looking at the crumbling schools, the inferior types of classrooms and schoolhouses that we are asking our children to go to, and yet we are talking about the 21st century and this global work force.

This is why businesspeople are coming now to me asking what can they do to help create the climate in public schools whereby our children can learn and have a quality education. And that is the road that I am going to journey, not this other road.

Mr. OWENS. I think the gentlewoman might be aware, because, after all, she is from California, and that is where Silicon Valley is, she must be aware of this tremendous shortage of information technology workers. And she has probably heard we are going to have on this floor a proposal to amend the immigration bill by the people who were so harsh on immigrants and wanted to keep out immigrants. They are now going to have proposals here asking us to amend it, to bring in more immigrants who have high-technology experience, information technology workers.

They are going to try to solve the problem of the shortage of information technology workers not by increasing the educational opportunities for the people in this country, they are going to bring in immigrants to do that. These anti-immigrant Republicans are going to be leading the fight to get more people in here to take those jobs instead of educating people here already to enable them to qualify for the jobs.

Ms. MILLENDER-McDONALD. The gentleman is absolutely right, I have heard of that. I think again it is unconscionable that we are talking about bringing folks into a country that has so much to offer and a people who are thirsty for this type of education that we cannot educate our own to provide them the jobs that will be sorely needed in the Silicon Valley to all other places where high tech is booming.

So I submit to the gentleman that I hope that we come to our senses before this bill comes and goes off of this floor. What type of message are we sending to our students? I have a science academy with very bright kids coming from low-income families. It is

not the top 1, 2 and 5 percent, it is the middle level who are very sharp kids who are going to this academy. They are looking for these jobs in the future. What am I to tell them when they are making the A's and B's and wanting to go to MIT and others; that I am sorry someone from overseas might come and take their jobs?

I cannot do that, and, therefore, I will be fighting against that bill.

Mr. OWENS. Well, I think we are going to have that opportunity. I thank the gentlewoman for her comments.

Ms. MILLENDER-McDONALD. We thank the gentleman so much for this tonight. I am happy to have had an opportunity to come and share with him my feelings. Again, I thank him so much for being just absolutely a stalwart person in bringing this education issue to the people across this Nation so that they can write us and let us know that they agree with us. They applaud what the gentleman is doing, and I hope he will continue his great work for all our children.

One-third of all elementary and secondary schools in the United States, serving 14 million students, need extensive repair or renovation.

Over 60 percent of the Nation's 110,000 public elementary and secondary school facilities need major repair.

In 1996, an estimated $112 billion was needed to repair and upgrade school facilities to a "good" condition.

Many schools do not have the physical infrastructure to take advantage of computers and other technology needed to meet the challenges of the next century.

I am a former school teacher for the Los Angeles Unified School District in California.

In California, 87 percent of the schools report a need to upgrade or repair on-site buildings to good overall condition.

Seventy-one percent of all California schools have at least one inadequate building feature, and of these building feature problems: 40 percent are the roofs; 42 percent are exterior walls and windows; 41 percent are plumbing; 41 percent are heating, ventilation, and air conditioning; and 37 percent of schools do not even have sufficient capability to use computers.

Currently, 25 percent of schools are too small or overcrowded and the Department of Education predicts that the Nation will need 6,000 more schools by the year 2006.

Mr. OWENS. Mr. Speaker, I thank the gentlewoman. I think most people understand that I am not a fanatic. I am not an extremist. I am not coming repeatedly talking about the same subject because I have some kind of mental infirmity. I just think that our children, our grandchildren will be very disappointed in us if we do not take advantage of this opportunity we have at this moment in American history.

We have no evil empire to fight. We have the highest prosperity levels that we have had in this century. If we do not invest in education now, when will we do it? Are we going to let these opportunities that are opening up go by without making an effort to have a match between the opportunities and the youngsters who are in this country right now?

I am going to hasten on, and instead of doing the entire set of excerpts that I was going to do from Mr. Garibaldi's presentation, I am going to just read his abstract and go on to the other points I want to make.

As I said before, this is a presentation to deal with the "State of African American Education." I am reading from Dr. Antoine M. Garibaldi, Provost, Howard University, who gave this lecture on November 5th, 1997, at the 18th annual Charles H. Thompson lecture, and it is going to be published in the Journal of Negro Education. I heard him give his summary comments at a breakfast forum sponsored by the National Commission for African American Education at Howard University.

To quote from Mr. Garibaldi, "Even though significant progress has been made in attendance and degree attainment in elementary and secondary schools, college, graduate and professional schools, data shows that there has also been a pattern of regression with respect to African Americans' educational attainment and achievement over the last four decades. This mixed assessment, however, must be placed in an appropriate context and be used to improve further those conditions that are impairing the performance of African American students.

"Additionally, the presentation will highlight positive trends such as high graduation rates from high school, improved performance on selected tests on educational measures, successful school programs, successful students, the continued contributions of historically black colleges and universities to baccalaureate, graduate and first professional degree production, and to the preparation of African American teachers, to name just a few.

"Specific recommendations are also offered to raise the level of student performance, i.e. more rigorous curricula, higher educational standards and higher expectations for students, higher expectations by teachers, increased involvement by parents and the vigorous support of communities and nonprofit organizations.

"Many challenging issues and questions are also cited to demonstrate that serious work is needed to reduce the many inequities that still exist in the schools attended by African American students."

Now, Mr. Garibaldi is an ex-professor. He was a professor at Xavier University at one time. He has been in the field for a long time, and he has accumulated quite a bit of firsthand experience, but he also uses very good sources, as he demonstrates in this presentation, in his thorough knowledge of the state of African American education.

I am going to ask a lot of this be introduced into the RECORD without my reading it all, because the time is going rapidly. But I do want to begin by just pointing out that under elementary and secondary educational attainment, Mr. Garibaldi notes the following: "Over the last four decades, African Americans have made tremendous gains in elementary and secondary educational attainment, and significant increases in high school completion rates began in the 1970s. In 1975, high school completion rate for 18- to 24-year-old African Americans was only 64.8 percent compared to 83 percent for whites and 80.8 percent overall. In 1995, however, 18- to 24-year-old African Americans' high school completion rate was 76.9 percent, which was a 12 percent increase over the 20-year period. But the high school graduation data for African Americans are even better for 25- to 29-year-olds between 1975 and 1995; in 1975, 71 percent graduated from high school compared to 86.5 percent in 1995."

He goes on in a later passage to say, "While African Americans' high school completion rates provide one barometer of educational attainment, performance on national assessments are needed to determine how much learning has been actually achieved. Thus, the best collection of national comparative data is the National Assessment of Educational Progress, NAEP, a congressionally-mandated project of the U.S. Department of Education's National Center for Education Statistics. Since 1969, NAEP has periodically assessed students' proficiency in academic achievements in science, reading, mathematics and writing in public and nonpublic schools, with the specific purpose of evaluating the condition and progress of education in the Nation."

He goes on to talk about performances in mathematics and reading and writing of African American students and students overall, showing that there have been some impressive gains by African American students, but they still fall far short, especially when we come to the SAT scores over the years. There is still a great gap between the achievements of white students and African American students who take the SAT test.

There is a section which I think is important to bring to my colleagues' attention in this presentation which talks about the impact of poverty on urban schools: "Earlier in this article great concern was expressed about the increasing segregation of many of the Nation's public schools. Of special significance here is the fact that most of the schools attended by nonwhite youth are located in urban areas. While

this has been known for some time, numerous perceptions about the quality of these schools are fueled by unsubstantiated anecdotal comments. But a July 1996 report by the U.S. Department of Education on how poverty relates to the characteristics of students in urban, rural and suburban schools in the 1980s has made several notable comparisons in describing the students' school experiences, their school achievement, the expectations of their parents and other related factors.

"In this study, which is entitled Urban Schools, The Challenge of Location and Poverty, the methodology controlled for the extent of poverty and three types of school locations. The school locations that were examined included urban, suburban and rural areas, and the level of poverty in each school was defined by the percentage of students who received free or reduced-priced lunches. Thus, more balanced comparisons were able to be made on each factor even though more low-income students attended urban schools.

"The following highlights of the study's major findings show more clearly how factors of school location and the level of poverty in those schools directly and indirectly affect school performance. Urban, suburban and rural public schools with high poverty concentrations, 40 percent or more, were more likely to have larger minority student populations than schools with low levels of poverty. Additionally, urban public schools with higher concentrations of poverty enrolled larger numbers of minority students than high-poverty rural and suburban schools.

"Sixty-nine percent of students who attended high-poverty urban public schools, for example, were minorities, compared to enrollment of 26 percent minorities at low-poverty schools. Similarly, at suburban schools, 56 percent of the students in high-poverty schools were minorities, but only 10 percent of students at low-poverty suburban schools are minorities. Additionally, high-poverty rural public schools enrolled 35 percent minority students compared to only 9 percent at low-poverty schools.

"Thus, most African Americans and other minority students not only attend urban schools, but the schools also have the highest concentrations of students from families with low economic backgrounds."

In other words, to summarize, no matter where African American students go to school, they are usually attending schools with a large poverty population. There is a correlation. The percentage of African Americans who are poor is quite great. It is much greater than the percentage of the overall population who are poor.

I am not going to read any further, but I do want to submit for the RECORD additional pages from this lecture, which is entitled Four Decades of Progress and Decline in the Assessment of African American Educational Attainment.

In the section that I just read, they mentioned poverty as a correlation with low achievement. I want to take a few minutes to talk about the scores of the students in the public schools of New York City, the elementary schools. There was a report, as I said before, in all the newspapers. The New York Times did something which was unusual. They took the poverty level of the school in the same manner in which the study that was cited here in Mr. Garibaldi's presentation. They chose the number of students who received school lunches as an indicator of the poverty of the school.

Therefore, the prosperity of the school is indicated by just the reverse, the number who do not qualify indicate the income level. They chose that figure, and in their presentation of the results of the reading and math tests for New York City Schools, they added the income for each school, the income level, meaning the number of students who do not qualify for school lunches.

If the income was 2.5, that meant that all of the other students did qualify; 97.5 percent qualified for school lunches.

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So the income level after 2.5 means that 97 percent of the students were poor, and in certain districts you have this tremendous concentration of poverty.

The New York Times also went one step further and they chose to measure the performance of schools with a certain poverty level in New York City with schools who would have the same poverty level than the rest of the State, the same income level, not just poverty but those with high income were measured, too; and they have put another column in here called Reading Performance. And just certain quick observations.

One of the highest income areas in the city, Staten Island, happened to be one the lowest performing areas. When you compare the performance of the students in Staten Island, which has an overall level of 58.9 million, meaning 58.9 percent of all of the students in Staten Island have incomes which disqualify them for school lunch programs, many of the schools have income levels which rate as high as 84 and 85 percent, I think 86 percent, very high income levels; and, nevertheless, it was one of the areas that scored lowest when you compared the performance of the students in those schools with the performance of students at the same income level in other parts of the State.

So Staten Island I might note, as I have before, has a serious problem. And this barometer is a very interesting one that brings out the fact that we may have some serious problems in the way administrators and teachers and the system is conducting itself beyond poverty.

However, poverty is still the major problem in the majority of the districts in New York City. The correlation between the reading scores and poverty is there in school after school except, in every district, one or two schools, despite the low poverty level, they stand out as having extraordinary performance. Which means that despite the fact that there is a close correlation between poverty and low performance, it can be overcome. And it is important that an attempt be made to overcome it and pinpoint at the schools that are performing well, we should pinpoint what factors allow them to overcome the poverty.

I am going to just deal with District 23, which is one of the school districts. We have 32 districts in New York. District 23 is located in Brownsville, a large concentration of low-income housing projects. The overall income level in District 23 is the lowest in the City, just about, 8.3. Only 8.3 of the students have incomes so high that they do not qualify for school lunch programs. That means that 91 percent of the students are poor, they qualify for the school lunches, and a great deal would have to be done to overcome that.

Finally, I am running out of time so I want to mention that, in dealing with the problems faced by areas like Brownsville District 23, we are going to need teachers in large quantities. We are going to have to do something unusual. The Higher Education Assistance Act that we are discussing tomorrow needs to focus on teacher training and ways to deal with that problem, just as it needs to focus on information technology workers.

We have a TRIO program which has been over the years a program that works very well. The TRIO program produces students from low-income areas who were able to qualify for college admission, and they have a record of outstanding achievement. We need to look at the TRIO program in terms of the authorization level. We need to double, go so far as to double the authorization. Because from one end of the spectrum to the other, both sides of the aisle agree that the TRIO program, which consists of upward-bound programs, talent search programs, and some others, they work. If they work, we need to consider doubling the amount of appropriations and doubling the size of those programs in order to deal with the problem of poverty and the poverty relation to education if we are going to get students come out of the poverty areas and able to go to college and qualify to get the jobs that are available.

Finally, we certainly do not want a crusade against remedial education in our colleges in New York. Education adds value to everybody who gets it, and remedial education as a part of the process will add value to the people who are in our City and enable them to go on to qualify for some of the jobs that are available and become productive in our society, thus lessening the kind of expenditure you have to make to support them.

Mr. Speaker, I insert the following for the RECORD:

[Pre-publication manuscript to be published in the Journal of Negro Education, Spring 1998]

(Antoine M. Garibaldi, Ph.D., Howard University)

THE STATE OF AFRICAN AMERICAN EDUCATION—A PRESENTATION TO THE NATIONAL COMMISSION FOR AFRICAN AMERICAN EDUCATION

(By Antoine M. Garibaldi, Ph.D., Howard University)

ABSTRACT

This presentation[1] is based on an assessment of African American educational attainment—from the elementary grades to first-professional degrees—over the last four decades. Even though significant progress has been made in attendance and degree attainment in elementary and secondary schools, college, graduate and professional schools, data show that there has also been a pattern of regression with respect to African Americans' educational attainment and achievement over the last four decades. This mixed assessment, however, must be placed in an appropriate context and be used to improve further those conditions that are impairing the performance of African American students. Additionally, the presentation will highlight positive trends such as higher graduation rates from high school, improved performance on selected tests and educational measures, successful school programs, successful students, the continued contributions of Historically Black Colleges and Universities to baccalaureate, graduate, and first-professional degree production, and to the preparation of African American teachers, to name just a few. Specific recommendations are also offered to raise the level of student performance, i.e., more rigorous curricula, higher educational standards and expectations for students, higher expectations by teachers, increased involvement by parents, and the vigorous support of communities and non-profit organizations. Many challenging issues and questions are also cited to demonstrate that serious work is needed to reduce the many inequities that still exist in the schools attended by African American students.

These "re-segregated" enrollments have not occurred by accident; rather, they are partly the result of the out-migration of whites from urban to suburban school districts and the ineffective implementation of court orders designed to increase school integration in the late 1960's and 1970's. In spite of the 1954 Brown decision, it is discomforting to realize that in 1997 many of the schools attended by African Americans are still "inherently unequal."

ELEMENTARY AND SECONDARY EDUCATIONAL ATTAINMENT

Over the last four decades, African Americans have made tremendous gains in elementary and secondary educational attainment; and significant increases in high school completion rates began in the 1970's. In 1975, the high school completion rate for 18- to 24-year old African Americans was only 64.8 percent, compared to 83 percent for whites and 80.8 percent overall. In 1995, however, 18- to 24-year old African Americans' high school completion rate was 76.9 percent, a 12 percent increase over the twenty year period.

TABLE 3—HIGH SCHOOL COMPLETION RATES FOR 18- TO 24-YEAR-OLDS: 1975 AND 1995

Year	African-Americans	Whites	Overall
1975	64.8%	83%	80.8%
1995	76.9%	81.9%	80.8%

Source: Carter, D.J. and Wilson, R. (1997). Minorities in Higher Education: Fifteenth Annual Status Report, 1996–97. Washington, DC: Americans Council on Education.

But the high school graduation data for African Americans are even better for 25 to 29-year olds between 1975 and 1995: in 1975, 71 percent had graduated from high school, compared to 86.5% in 1995 (Carter and Wilson, 1997).

TABLE 4—HIGH SCHOOL COMPLETION RATES FOR 25- TO 29-YEAR-OLDS: 1975 AND 1995

Year	African-Americans	Whites
1975	71%	84.4%
1995	86.5%	87.4%

Source: Carter, D.J. and Wilson, R. (1997). Minorities in Higher Education: Fifteenth Annual Status Report, 1996–1997. Washington, DC: American Council on Education.

Not only are these gains remarkable, but the data also confirm that more African Americans have obtained an education over the last three decades as a result of expanded educational opportunities and a variety of special programs (such as Head Start, Title 1/Chapter 1, etc.) for African American and other disadvantaged students.

While African Americans' high school completion rates provide one barometer of educational attainment, performance on national assessments are needed to determine how much learning has actually been achieved. Thus, the best collection of national comparative data is the National Assessment of Educational Progress (NAEP)—a congressionally mandated project of the U.S. Department of Education's National Center for Education Statistics. Since 1969, NAEP has periodically assessed students' proficiency and academic achievement in science, reading, mathematics, and writing in public and nonpublic schools, with the specific purpose of evaluating the condition and progress of education in the nation. This national database assesses student performance in reading, mathematics and the sciences at 9, 13 and 17 years of age, and in grades 4, 8, and 11 for the writing assessment. More recent assessments since 1990, however, use grades 4, 8, and 11 as the baseline of comparison. Before presenting the twenty-eight year trend data for African American and white students, it is useful to cite NAEP's recently released summary statement of all students' overall performance since the tests were first administered in 1969.

"In general, the trends in science and mathematics show early declines or relative stability followed by improved performance. In reading and writing, the results are somewhat mixed; although some modest improvement was evident in the trend reading assessments, few indications of positive trends were evident in the writing results" (Campbell, Voelkl, & Donahue, 1997).

TRENDS IN NAEP MATHEMATICS SCALE SCORES: 1973–1996

On the NAEP mathematics test, 17-year old white and black students had declining scores between 1973 and 1978, but both increased their performance between 1978 and 1996, with black students showing the most growth. The mathematics scores of white and black 9- and 13-year old students also consistently increased throughout the assessment period. However, while black and white students' mathematics scores increased between 1973 and 1996, the scores of white students were at least 25 points higher than their black counterparts in each age group.

TRENDS IN NAEP READING SCALE SCORES: 1971–1996

The NAEP reading scores for each of the three age groups of white students increased slightly during the 1971–1996 assessment period. African Americans' scores also increased between 1971 and 1988, but fluctuated between 1988 and 1996. Thus, while both groups' performance showed modest improvement on this key educational measure, white students' scores averaged 30 points higher than those of their black counterparts in each age group.

TRENDS IN NAEP WRITING SCALE SCORES: 1984–1996

On the NAEP writing tests between 1984 and 1996, both white and black students performed poorly. The scores of white students who were in the 11th-grade decreased consistently over the assessment period; and eighth-grade and fourth-grade white students' scores fluctuated over the twelve year period. Black students' writing scores also fluctuated at all grade levels. Fourth-grade black students' 1984 score was identical to the 1996 score, while both 8th and 11th-grade black students' 1996 score was slightly lower than their 1984 score. White 11th-grade and 8th-grade students and black 11th-grade students demonstrated an ability to write clearly. But black 8th-grade students and white 4th-grade students demonstrated vague and unclear writing skills. As was the case in the previous assessments, white students' average scores in writing were at least 22 points higher than their black counterparts in each age group.

TRENDS IN NAEP SCIENCE SCALE SCORES: 1969–1970

The average NAEP science test scores for 17-year old black and white students decreased from 1969 to 1982, but steadily increased from 1982 through 1996. The scores for white 9- and 13-year old students decreased slightly from 1969 to 1977, but increased moderately from 1977 through 1996. African American students' scores for this group also declined during the early 1970's, but increased noticeably through 1996. Even though the scores of African American 9- and 13-year old students increased more over the duration of the assessment period, the scores were not higher than that of their white counterparts in 1996. Between 1969 and 1996, the average score of white students was 47 points higher than that of black students.

1997 ACT/SAT PERFORMANCE

The preceding NAEP data indicate that there have been both trends of progress and decline in all American students' performance in the four core subject areas of reading, math, science and writing. And those less than proficient signs of performance are unfortunately, but expectedly, reflected on other national educational measures, such as the verbal and mathematical scales of the

Footnotes at end of article.

College Board's Scholastic Achievement Test, and on the English, mathematics, reading, and science reasoning sections of the ACT, Inc.'s American College Test. In 1997, for example, the average SAT score of all students was 1016 on a total scale of 1600. Asian American students obtained the highest average score of 1056; White students were next with a score of 1052; American Indian students had an average score of 950; Hispanic students had a score of 934, followed by Mexican Americans with 909, and Puerto Rican students with an average score of 901. African American students had the lowest average score of 857.

Table 5—1997 Average SAT Test Scores

Asian-American students	1056
White students	1052
National average	1016
Hispanic students	934
African-American students	857

Source: The College Board, 1997.

The patterns of performance were similar on the ACT: average overall performance was 21.0 (out of a total score of 36); Asian American and White students had the same average score of 21.7; American Indian and Hispanic students had scores of 19; Mexican American students scored 18.8; and African American students had the lowest average score of 17.1 (Selingo and Fiore, 1997).

Table 6—1997 Average ACT Test Scores

Asian-American students	21.7
White students	21.7
National average	21
Hispanic students	19
African-American students	17.1

Source: ACT, Inc. 1997.

While one of the signs of progress with respect to these tests is that there have been increasingly more test-takers, especially among minority groups[2] staff from both organizations that develop and administer these tests have expressed their concern about the lower standardized test performance of students who cite that they have high grades in high school. To this issue, Donald M. Stewart, President of the College Board, has emphatically stated that:

"Educators who give high grades for average or below-average performance promote a hollow, 'just good enough' attitude that is detrimental to students and society" (Selingo and Fiore, 1997).

Grade inflation and social promotion are unconscionable practices that should be eliminated at every school site to assure that students have a realistic assessment of both their abilities and performance. Additionally, schools must assume more responsibility and require students to take more academic and college-bound courses in junior and senior high schools. The latter recommendation is a necessity for schools with large numbers of African American and other non-white students given the evidence which shows that many of these students are more likely to take lower level courses in the core subject areas (i.e., English, Mathematics, Sciences, etc.) rather than college prep courses (Braddock, 1990; Oakes, 1985, 1986; Irvine, 1990).

THE IMPACT OF POVERTY ON URBAN SCHOOLS

Earlier in this article, great concern was expressed about the increasing segregation of many of the nation's public schools. Of special significance here is the fact that most of the schools attended by non-white youth are located in urban areas. While this has been known for some time, numerous perceptions about the quality of these schools are fueled by unsubstantiated anecdotal comments. But a July 1996 report by the U.S. Department of Education on how poverty relates to the characteristics of students in urban, rural and suburban schools in the 1980's has made several notable comparisons in describing the students' school experiences, their school achievement, the expectations of their parents, and other related factors. In this study, Urban Schools: The challenge of location and poverty (U.S. Dept. of Education, 1996), the methodology controlled for the extent of poverty in the three types of school locations. The school locations that were examined included urban, suburban and rural areas, and the level of poverty in each school was defined by the percentage of students who received free of reduced price lunches. Thus, more balanced comparisons were able to be made on each factor even though more low income students attended urban schools. The following highlights of the study's major findings show more clearly how factors of school location and the level of poverty in those schools directly and indirectly affect school performance.

RACE, POVERTY LEVELS AND SCHOOL LOCATIONS

Urban, suburban and rural public schools with high poverty concentrations (i.e., 40 percent or more) were more likely to have larger minority student populations than schools with low levels of poverty (i.e., 5 percent or less).[3] Additionally, urban public schools with high concentrations of poverty enrolled larger numbers of minority students than high poverty rural and suburban schools. Sixty nine percent of students who attended high poverty urban public schools, for example, were minorities, compared to enrollments of 26 percent minorities at low poverty schools. Similarly, at suburban schools, 56 percent of the students at high poverty schools were minorities; but only 10 percent of students at low poverty suburban schools were minorities. Additionally, high poverty rural public schools enrolled 35 percent minority students compared to only 9 percent at low poverty schools (U.S. Dept. of Education, 1996). Thus, more African American and other minority students not only attend urban schools, but the schools also have the highest concentrations of students from families with low economic backgrounds.

STUDENT ACHIEVEMENT, POVERTY LEVELS AND SCHOOL LOCATIONS

The level of poverty at schools was an important variable when examining students' academic achievement. Students who had the lowest levels of achievement on standardized tests were more often enrolled at high poverty public schools, while students who performed at higher achievement levels attended schools with lower levels of poverty. However, when the schools' poverty levels were controlled for, the results percent of the graduates of the nation's public schools had taken a geometry course.[4] At suburban schools, 73 percent of students had enrolled in a geometry course, compared with 57 percent of urban students. And 60 percent of students who attended high poverty schools had taken geometry compared with nearly 74 percent of students at low poverty schools. However, when the study controlled for the level of poverty, there was no statistical difference among urban, rural or suburban students who had enrolled in a geometry course. To raise the educational achievement of all students, advanced placement as well as college-prep courses such as Algebra and geometry, biology, chemistry, three years of English and other core subjects must be offered so that students will be prepared for college even if they elect not to attend a four-year college or university.

AFRICAN AMERICAN COLLEGE ENROLLMENT AND ATTAINMENT

Given the increases in African American high school graduation around the 1970's, it would not have been unreasonable to expect a larger share of African Americans to attend and graduate from college. In 1975, the college-going rate for all Americans was 36.2 percent, compared to a rate of 32.8 percent for African Americans (Carter and Wilson, 1997). But in 1995, the proportion of African American high school graduates who were enrolled in college decreased by almost two percentage points to 34.4 percent, compared to a national average that increased six percent to 42 percent.

TABLE 8—COLLEGE-GOING RATE OF HIGH SCHOOL GRADUATES: 1975 AND 1995

Year	Overall	African-Americans
1975	36.2%	32.8%
1995	42%	34.4%

Source: Carter, D. and Wilson, R. (1997). Minorities in Higher Education. Fifteenth Annual Status Report, 1996–1997. Washington, DC: American Council on Education.

While college enrollment statistics have fluctuated since the peak year of the mid 1970's when slightly more than one million African American students (1,033,000) were attending college, almost one and a half million (1,400,000) African Americans were enrolled in college in 1995 (Hoffman, Snyder and Sonneberg, 1996). Despite the increase of almost four million more African American students in college between 1976 and 1995, the ratio of those attending four-year and two-year institutions did not change; 59 percent attended four-year institutions compared to 41 percent who were enrolled at two-year colleges and universities.[5] Thus, the larger number of black students in college in the 1990's cannot be viewed as a major gain since a significant amount are enrolled in two-year institutions. Furthermore, much of the growth in postsecondary attendance by blacks over the last twenty years is due to a sizable increase of African American women who enrolled in college.

TABLE 9—1994 AND 1995 COLLEGE ENROLLMENT OF AFRICAN-AMERICANS BY GENDER

Year	Males	Females	Total
1994	550,000	899,000	1,449,000
1995	556,000	918,000	1,474,000

Source: Carter, D. and Wilson, R. (1997). Minorities in Higher Education. Fifteenth Annual Status Report, 1996–1997. Washington, DC: American Council on Education.

POSTSECONDARY DEGREE ATTAINMENT

The best way to determine whether any gains in college access have been realized for African Americans over the last two decades is by reviewing the amount of degrees received during this period. Regrettably though, the data show that there has not been consistent annual increases in some of the degree categories since 1976. More African Americans, for example, received baccalaureate degrees in 1976 and 1981 than in 1985. In 1976 and 1981, African Americans received an average of slightly more than 59,000 bachelor's degrees (59,122 and 60,673 baccalaureate degrees, respectively), or about 6.5% of the total degrees awarded, compared to 57,473 undergraduate degrees in 1985, or 5.9% of the total (Carter and Wilson, 1989). Thus, the 1981 and 1985 totals for African Americans at the baccalaureate level showed a decline in both

the number and percentage of degrees awarded when compared to 1976. In the 1990's, however, the percentage increased from 6% of the total awarded in 1991 (65,341 degrees) to a high of 7.2% in 1994 (83,576).[6]

TABLE 10—BACCALAUREATE DEGREES AWARDED TO AFRICAN-AMERICANS FOR SELECTED YEARS: 1976–1994

Year	African-American baccalaureate degrees	Percent of total degrees awarded
1976	59,122	6.5
1981	60,673	6.5
1985	57,473	5.9
1991	65,341	6
1994	83,576	7.2

Source: Carter, D.J. and Wilson, R. Minorities in Higher Education: Eighth Annual Status Report, 1997. Washington, DC: American Council on Education.

As has been mentioned earlier, the gains by African Americans at the bachelor's degree level are primarily attributed to the significant increases by black women who completed their undergraduate studies. In 1976, for example, the number of African American women who received baccalaureate degrees was 33,489, compared to 25,026 that were awarded to African American men—a difference of almost 8,000 degrees. Ten years later, African American women received 34,056 undergraduate degrees compared to 22,499 that were awarded to African men—or roughly 11,000 more (Gordon and Brown, 1990). In 1994, the gap was even wider as 22,000 more African American women received baccalaureate degrees (52,928 versus 30,648) than did men. This pattern of almost 20,000 more bachelor's degrees awarded to African American women has been consistently occurring since the early 1990's.

TABLE 11—1976, 1986 AND 1994 BACCALAUREATE DEGREES AWARDED TO AFRICAN-AMERICANS BY GENDER

Year	Black male baccalaureate	Black female baccalaureate	Difference
1976	25,026	33,489	8,463
1986	22,499	34,056	11,557
1994	30,648	52,928	22,280

Source: (1) Gordon, P. and Brown, P. (1990). Degrees conferred in institutions of higher education, by race and sex: 1976–77 through 1986–87. National Center for Education Statistics and (2) Carter, D. and Wilson, R. (1997). Minorities in Higher. Fifteen Annual Status Report, 1996–1997. Washington, DC: American Council on Education.

Overall increases of black baccalaureate recipients were partly due to the rising number of undergraduate awards made by historically black colleagues and universities. In 1985, HBCUs awarded 16,326 bachelor's degrees; between 1991 and 1994, HBCUs awarded an average of almost 21,000 degrees to African Americans.[7] Thus, HBCUs annually accounted for approximately 28% of all undergraduate degrees to African Americans between 1985 and 1994, compared to the late 1970's and early 1980's when they accounted for between 35% and 32% of all black bachelor's degrees.[8] Nevertheless, this is still a favorable sign that HBCUs, which represent barely three percent of all American colleges and universities, continue to enroll and graduate a significant number of students even though African American students have much more access to other institutions of higher education.

Table 12—Baccalaureate degrees awarded to African Americans by HBCUs for selected years: 1985–1994

Year	*HBCU baccalaureates*
1985	16,326
1991	17,930
1992	19,693
1993	22,020
1994	23,434

Source: Hoffman, C., Snyder, T. and Sonneberg, B. (1996). Historically Black Colleges and Universities: 1976–1994. National Center for Education Statistics.

TABLE 15—FIRST-PROFESSIONAL DEGREES AWARDED TO AFRICAN-AMERICANS FOR SELECTED YEARS: 1977–1994

Year	First-professional degrees awarded	Percent of total awarded annually
1977	2,536	4
1979	2,836	4
1981	2,931	4
1985	3,029	4.3
1991	3,575	5
1993	4,100	5.5
1994	4,444	5.9

Source: Carter, D. and Wilson, R. (1997). Minorities in Higher Education Fifteenth Annual Status Report, 1996–1997. Washington, DC: American Council on Education.

CONCLUSION

Based on all of the data that have been presented—from the elementary grades to first-professional degrees, it is fair to say that there has been both progress and regression with respect to African Americans' educational attainment and achievement over the last four decades. This mixed assessment, however, should not be viewed as a sign of discouragement; rather it should be used as a source of motivation to improve further those conditions that require immediate attention. Additionally, it is imperative that positive trends such as higher graduation rates from high school, improved performance on selected tests and educational measures, successful school programs, successful students, the continued contributions of Historically Black Colleges and Universities to baccalaureate, graduate, and first-professional degree production, and to the preparation of African American teachers, to name just a few signs, must be constantly emphasized. At the same time, however, it is necessary that those negative indicators which can be improved are addressed; more rigorous curricula, higher educational standards and expectations for students, higher expectations by teachers, increased involvement by parents, and so forth.

It may not be as easy to change the segregated composition of the public schools where so many African Americans are currently enrolled, or the numbers of students who come from poor backgrounds in those schools, but it is possible to exercise our civic duty and inquire what can be done to reduce class sizes, to sustain reading and mathematics performance beyond the fourth grade, to offer more college prep and advanced placement courses, and to provide comprehensive career counseling for students. Furthermore, it is our responsibility to find out why there are few gifted and talented programs in public schools, why African Americans account for almost 30 percent of all students in special education classes, and why more students do not achieve at higher levels of proficiency on various subject matter tests. It is also our obligation to resolve why 41% of African American college students are attending two-year institutions, why 350,000 more African American women than men are attending college today compared to a difference of 200,000 up to 1984, and why little, if any, gains are being made at the doctoral level. These are indeed challenging issues and questions which signal that serious work is needed to reduce the many inequities that still exist in the schools attended by African American students. Change and real growth are possible, but hope must be supported by commitment to standards, carefully designed educational programs, systematic action and the realization that success is within reach. With the belief and conviction that the glass of "educational opportunity" is half full, we can help to fulfill the dreams of those numerous African American parents who expect their children to attend college and be productive citizens in the 21st Century.

FOOTNOTES

[1] This presentation is based on the 18th Annual Charles H. Thompson lecture—Four Decades of Progress. . . and Decline: An Assessment of African American Educational Attainment—delivered at Howard University in November 1997. The lecture will be published in the Winter 1997/Spring 1998 issue of The Journal of Negro Education (Vol. 66, No. 1–2).

[2] Minority students accounted for 32 percent of those who took the SAT in 1997 compared to 22 percent in 1987. And 60 percent of the 1997 freshmen (959,301 students) took the ACT, compared to 817,076 in 1990.

[3] In this study, 40 percent of urban students attended schools with poverty concentrations of 40 percent or more, and only 12 percent of urban students attended low poverty schools. However, only 10 percent of suburban students and 25 percent of rural students attended high poverty schools; and 36 percent of suburban students attend low poverty schools.

[4] Geometry was chosen by NAEP because the patterns for students who had enrolled in this course were similar to those for students who had taken science, foreign language and other advanced courses.

[5] In 1976, almost 604,000 African American students attended four-year institutions, and a little more than 429,000 attended two-year institutions. In 1995, almost 834,000 African American students attended four-year institutions and 614,000 were enrolled at two-year institutions.

[6] African American baccalaureates rose to 72,346 in 1992, or 6.4% of the total, and 77,782 in 1993, or 6.7% of the total.

[7] The annual number of bachelor's degrees awarded to African Americans by HBCUs for 1991, 1992, 1993 and 1994 were 17,930, 19,693, 22,020, and 23,434, respectively.

[8] In 1977 and 1981, African Americans received 58,515 and 60,673 bachelors degrees, respectively. HBCUs awarded 20,754 and 19,556 degrees to African Americans, respectively, or 35% and 32% of the total (Gordon and Brown, 1990).

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CRANE (at the request of Mr. ARMEY) for today, on account of official business.

Mr. RUSH of Illinois (at the request of Mr. GEPHARDT) for today, on account of official business.

Mr. DAVIS of Illinois (at the request of Mr. GEPHARDT) for today, on account of official business.

Mr. YATES (at the request of Mr. GEPHARDT) for today, on account of physical reasons.

Mr. TURNER (at the request of Mr. GEPHARDT) for today, on account of official business in the district.

Mr. MARTINEZ (at the requezt of Mr. GEPHARDT) for today and Wednesday, March 18, on account of an unexpected emergency.

Mr. DIAZ-BALART (at the request of Mr. ARMEY) for today, on account of illness.

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. HINCHEY) to revise and extend their remarks and include extraneous material:)

Mrs. TAUSCHER, for 5 minutes.
Ms. NORTON, for 5 minutes.
Ms. DELAURO, for 5 minutes.
Mr. PALLONE, for 5 minutes.
Ms. JACKSON-LEE of Texas, for 5 minutes.

(The following Members (at the request of Mr. UPTON) to revise and extend their remarks and include extraneous material:)

Mr. ISTOOK, for 5 minutes, today.
Mrs. MORELLA, for 5 minutes, March 18.
Mrs. JOHNSON of Connecticut, for 5 minutes, March 18.
Mr. MICA, for 5 minutes, today.
Ms. ROS-LEHTINEN, for 5 minutes, March 18.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HINCHEY) and to include extraneous matter:)

Mr. KIND.
Mr. KILDEE.
Mr. RAHALL.
Mr. TRAFICANT.
Mr. STOKES.
Mr. KANJORSKI.
Ms. VELÁZQUEZ.
Mr. HAMILTON.
Mr. PAYNE.
Mr. DAVIS of Illinois.
Mr. KLINK.
Mr. MANTON.
Mrs. LOWEY.
Ms. EDDIE BERNICE JOHNSON of Texas.
Mr. CARDIN.
Mr. TOWNS.
Ms. MCCARTHY of Missouri.
Mr. STARK.
Mrs. MCCARTHY of New York.
Mr. DEUTSCH.
Mr. FARR of California.

(The following Members (at the request of Mr. UPTON) and to include extraneous matter:)

Mr. SOLOMON.
Mr. OXLEY.
Mr. SUNUNU.
Mr. FAWELL.
Mr. LEWIS of California.
Mr. GINGRICH.
Mr. SAXTON.
Mr. RILEY.
Mr. GOODLING.
Mr. MCKEON.
Mrs. MORELLA.
Mr. COLLINS.

(The following Members (at the request of Mr. OWENS) and to include extraneous matter:)

Mr. SABO.
Mr. HALL of Ohio.
Mr. SMITH of New Jersey.
Mr. LANTOS.
Mr. ROEMER.
Mr. KANJORSKI.
Mr. HINOJOSA.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 45 minutes p.m.) the House adjourned until tomorrow, Wednesday, March 18, 1998, at 10 a.m.

OATH OF OFFICE OF MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates to the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Members of the 105th Congress, pursuant to the provisions of 2 U.S.C. 25:

Honorable LOIS CAPPS, Twenty-second District, California.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

8050. A communication from the President of the United States, transmitting a report on Detargeting Russian Strategic Missiles, pursuant to Public Law 105—85, section 1301; to the Committee on National Security.

8051. A letter from the Assistant to the Board of Governors, Federal Reserve System, transmitting the System's final rule—Electronic Fund Transfers [Regulation E; Docket No. R-1002] received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8052. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Code of Federal Regulations; Authority Citations; Technical Amendment [Docket No. 97N-0365] received March 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8053. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District [CA-169-0065; FRL-5974-6] received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8054. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants and Control Techniques Guideline Document for Source Categories: Aerospace Manufacturing and Rework Facilities [AD-FRL-5978-4] (RIN: 2060-AE02) received March 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8055. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Clean Air Act Interim Approval of Operating Permits Program; Commonwealth of Virginia; Correction of Effective Date Under Congressional Review Act (CRA) [FRL-5983-7] received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8056. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan; Illinois [IL167-1a; FRL-5978-8] received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8057. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Kansas; Control of Landfill Gas Emissions from Existing Municipal Solid Waste Landfills [KS 044-1044a; FRL-5979-7] received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8058. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; and Designation of Areas for Air Quality Planning Purposes; State of Iowa [IA 040-1040 (a); FRL-5980-2] received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8059. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Ohio [OH112-1a; FRL- 5976-9] received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8060. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule—New Disclosure Option for Open-End Management Investment Companies (RIN: 3235-AH03) received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8061. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule—Registration Form Used by Open-End Management Investment Companies (RIN:

3235–AE46) received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8062. 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; Deep-water Species Fishery by Vessels using Trawl Gear in the Gulf of Alaska [Docket No. 971208297–8054–02; I.D. 031098A] received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8063. 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; Sablefish Managed Under the IFQ Program [I.D. 030298A] received March 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8064. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/"Other Flatfish" Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands [Docket No. 971208296–7296–01; I.D. 030498D] received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8065. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Final 1998 Harvest Specifications for Groundfish [Docket No. 971208298–8055–02; I.D. 112097B] received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8066. A letter from the Director, Federal Bureau of Investigation, transmitting the Bureau's final rule—Implementation of Section 104 of the Communications Assistance for Law Enforcement Act—received March 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOODLING: Committee on Education and the Workforce. H.R. 2864. A bill to require the Secretary of Labor to establish a program under which employers may consult with State officials respecting compliance with occupational safety and health requirements; with an amendment (Rept. 105–444). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 2877. A bill to amend the Occupational Safety and Health Act of 1970; with an amendment (Rept. 105–445). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 3096. A bill to correct a provision relating to termination of benefits for convicted persons (Rept 105–446). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUMP: Committee on Veterans' Affairs. H.R. 3039. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to guarantee loans to provide multifamily transitional housing for homeless veterans, and for other purposes; with amendments (Rept. 105–447). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUMP: Committee on Veterans' Affairs. H.R. 3213. A bill to amend title 38, United States Code, to clarify enforcement of veterans' employment 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; with amendments (Rept. 105–448). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 388. Resolution providing for consideration of the bill (H.R. 2870) to amend the Foreign Assistance Act of 1961 to facilitate protection of tropical forests through debt reduction with developing countries with tropical forests (Rept. 105–449). Referred to the House Calendar.

Mr. TALENT: Committee on Small Business. H.R. 3412. A bill to amend and make technical corrections in title III of the Small Business Investment Act; with an amendment (Rept. 105–450). Referred to the Committee of the Whole House on the State of the Union.

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. DOOLITTLE (for himself, Mr. YOUNG of Alaska, Mr. SMITH of Oregon, Mrs. CHENOWETH, Mr. RIGGS, Mr. HERGER, Mr. RADANOVICH, Mr. POMBO, and Mr. THOMAS):

H.R. 3467. A bill to address the protection of the California spotted owl and its habitat in the Sierran Province of Region 5 of the Forest Service through the use of an interim management direction consistent with the requirements of existing public land management and environmental laws and by setting a date certain for the completion of a final environmental impact statement for the management of the California spotted owl; to the Committee on Resources.

By Mr. BARR of Georgia:

H.R. 3468. A bill providing that certain intermodal transportation facilities not be exempt from local zoning ordinances; to the Committee on Transportation and Infrastructure.

By Mr. CARDIN:

H.R. 3469. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide for external appeals in the case of adverse determinations involving experimental treatment, significant costs, or a serious medical condition; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, 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.

By Mr. STARK (for himself, Mr. BROWN of Ohio, Mr. GEPHARDT, Mr. RANGEL, Mr. DINGELL, Mr. BECERRA, Mr. BORSKI, Mr. BROWN of California, Mr. CARDIN, Ms. CHRISTIAN-GREEN, Mrs. CLAYTON, Mr. COYNE, Ms. DELAURO, Mr. DEUTSCH, Mr. DOOLEY of California, Mr. ENGEL, Mr. FALEOMAVAEGA, Mr. FARR of California, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GONZALEZ, Mr. GREEN, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOYER, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK, Mr. KLECZKA, Mr. KUCINICH, Mr. LAFALCE, Mr. LANTOS, Mr. LEWIS of Georgia, Mr. MALONEY of Connecticut, Mr. MARKEY, Mr. MATSUI, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCHALE, Mr. MEEHAN, Mr. MEEKS of New York, Mr. MENENDEZ, Mr. MILLER of California, Mr. MOAKLEY, Mr. MURTHA, Mr. NADLER, Mr. OLVER, Mr. PALLONE, Mr. PASCRELL, Ms. PELOSI, Mr. RAHALL, Mr. RUSH, Mr. SANDLIN, Mr. SCHUMER, Mr. SERRANO, Mr. STOKES, Mr. STUPAK, Mr. TIERNEY, Mr. TOWNS, Mr. UNDERWOOD, Mr. WAXMAN, Mr. WEYGAND, Mr. WISE, Ms. WOOLSEY, Mr. YATES, Mr. OBERSTAR, and Ms. NORTON):

H.R. 3470. A bill to amend title XVIII of the Social Security Act and the Employee Retirement Income Security Act of 1974 to improve access to health insurance and Medicare benefits for individuals ages 55 to 65 to be fully funded through premiums and antifraud provisions, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and Education and the Workforce, 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. STARK (for himself and Mr. BROWN of Ohio):

H.R. 3471. A bill to amend titles XI and XVIII of the Social Security Act to combat waste, fraud, and abuse in the Medicare Program; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COOK:

H.R. 3472. A bill to amend the Bank Protection Act of 1968 for purposes of facilitating the use of electronic authentication techniques by financial institutions, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. FAWELL (for himself, Mr. GOODLING, Mr. MCKEON, Mr. ANDREWS, Mr. ROEMER, and Mr. PETRI):

H.R. 3473. A bill to amend the Age Discrimination in Employment Act of 1967 to allow institutions of higher education to offer faculty members who are serving under a contract or arrangement providing for unlimited tenure, benefits on voluntary retirement that are reduced or eliminated on the basis of age, and for other purposes; to the Committee on Education and the Workforce.

By Mr. FAZIO of California (for himself, Mr. GEPHARDT, Mr. BONIOR, Mr. PALLONE, Mr. SAWYER, Mr. MEEHAN, Mr. ACKERMAN, Mr. ALLEN, Mr. BECERRA, Mr. BLUMENAUER, Mr. BOSWELL, Mr. BROWN of California, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. FALEOMAVAEGA, Mr.

FARR of Cali. FARR of California, Mr. FORD, Mr. HINCHEY, Mr. KENNEDY of T4LaFalce, Mr. LAMPSON, Mr. LANTOS, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. MATSUI, Ms. MCCARTHY of Missouri, Mr. MCGOVERN, Mr. MCHALE, Mr. MINGE, Mr. NADLER, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. POMEROY, Ms. ROYBAL-ALLARD, Mr. SERRANO, Mr. SHERMAN, Mr. STOKES, Mrs. TAUSCHER, Ms. VELÁZQUEZ, Mr. WEXLER, Ms. WOOLSEY, Mr. UNDERWOOD, and Mr. YATES):

H.R. 3474. A bill to help parents keep their children from starting to use tobacco products, to expose the tobacco industry's past misconduct and to stop the tobacco industry from targeting children, to eliminate or greatly reduce the illegal use of tobacco products by children, to improve the public health by reducing the overall use of tobacco products, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Ways and Means, the Judiciary, Education and the Workforce, Agriculture, the Budget, Resources, and International Relations, 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. JOHNSON of Connecticut:

H.R. 3475. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the health insurance costs of all individuals who are not eligible to participate in employer-subsidized health plans; to the Committee on Ways and Means.

By Mr. LEVIN:

H.R. 3476. A bill to reform the financing of Federal elections; to the Committee on House Oversight, and in addition to the Committees on Ways and Means, Education and the Workforce, Government Reform and Oversight, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MATSUI:

H.R. 3477. A bill to suspend temporarily the duty on a certain drug substance used in the formulation of HIV Antiviral Drug; to the Committee on Ways and Means.

By Mr. MCINNIS (for himself, Mr. REDMOND, Mr. HEFLEY, Mr. BOB SCHAFFER, Mr. DAN SCHAEFER of Colorado, and Mr. SKEEN):

H.R. 3478. A bill to amend the Colorado Ute Indian Water Rights Settlement Act to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes; to the Committee on Resources.

By Mr. MCKEON (for himself, Mr. GOODLING, and Mr. CASTLE):

H.R. 3479. A bill to provide for the implementation of recommendations of the National Commission on the Cost of Higher Education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MOLLOHAN:

H.R. 3480. A bill to reduce temporarily the duty on ethylene/tetrafluoroethylene copolymer (ETFE); to the Committee on Ways and Means.

By Mr. ROEMER:

H.R. 3481. 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 Education and the Workforce.

By Mr. WAXMAN:

H.R. 3482. A bill to designate the Federal building located at 11000 Wilshire Boulevard in Los Angeles, California, as the "ABRAHAM Lincoln Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. FRANKS of New Jersey:

H. Con. Res. 244. Concurrent resolution calling on the Government of Cuba to extradite Joanne Chesimard from Cuba to the United States; to the Committee on International Relations.

By Mr. KING of New York (for himself, Mr. GILMAN, Mr. MANTON, Mr. NEAL of Massachusetts, and Mr. WALSH):

H. Con. Res. 245. Concurrent resolution expressing the sense of Congress that the settlement of the decades-long conflict in the North of Ireland should address a number of specific issues in order to foster a just and lasting peace; to the Committee on International Relations.

By Mrs. MORELLA (for herself, Mr. SAWYER, Mrs. MALONEY of New York, Mr. SHAYS, Mr. HILLIARD, Mr. FILNER, Mr. BALDACCI, Mr. RAHALL, Mr. CARDIN, Mrs. JOHNSON of Connecticut, Ms. PELOSI, Mr. PASCRELL, Mr. ENGEL, and Mr. DINGELL):

H. Con. Res. 246. Concurrent resolution expressing the sense of the Congress with respect to the collection of demographic, social, and economic data as part of the 2000 decennial census of population; to the Committee on Government Reform and Oversight.

By Mr. BOEHNER:

H. Res. 386. A resolution electing the Honorable Richard K. Armey of Texas to act as Speaker pro tempore; considered and agreed to.

By Mr. HOYER (for himself, Mr. GEJDENSON, Ms. KILPATRICK, Mr. MOAKLEY, Mr. FROST, Mr. HALL of Ohio, and Ms. SLAUGHTER):

H. Res. 387. A resolution prohibiting the payment of any amount from the reserve fund established for unanticipated expenses of committees without the approval of the House; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII,

Mr. RANGEL introduced A bill (H.R. 3483) to provide for the liquidation or reliquidation of certain entries; which was referred to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. EHRLICH.

H.R. 96: Mr. HASTINGS of Washington.

H.R. 198: Mr. SMITH of Oregon.

H.R. 230: Mr. CUNNINGHAM.

H.R. 306: Mr. KUCINICH.

H.R. 457: Mr. FOLEY and Mr. GILMAN.

H.R. 687: Mr. FALEOMAVAEGA and Ms. FURSE.

H.R. 758: Mr. FOSSELLA.

H.R. 773: Mr. FRANK of Massachusetts.

H.R. 814: Mr. SHERMAN.

H.R. 979: Mr. JONES, Mr. DICKEY, Mr. SHAYS, Mr. MCHALE, Mr. GREENWOOD, Mr. WATKINS, Mr. DOYLE, Mr. PAUL, and Ms. DELAURO.

H.R. 981: Ms. ROYBAL-ALLARD.

H.R. 983: Ms. SÁNCHEZ.

H.R. 1126: Mr. MCDERMOTT and Mr. WAXMAN.

H.R. 1166: Mrs. LOWEY.

H.R. 1173: Mr. KLINK, Mr. COYNE, and Mrs. CLAYTON.

H.R. 1215: Ms. ROYBAL-ALLARD.

H.R. 1231: Mr. STARK.

H.R. 1261: Mr. MCDADE and Mr. BLILEY.

H.R. 1369: Mr. ENSIGN.

H.R. 1375: Ms. VELÁZQUEZ, Mr. COX of California, Mr. JACKSON, Mr. FORBES, Mr. MEEKS of New York, and Mr. FARR of California.

H.R. 1401: Mr. RIGGS, Mr. DOOLEY of California, and Mr. MILLER of California.

H.R. 1505: Mr. KENNEDY of Massachusetts and Mr. HASTINGS of Florida.

H.R. 1525: Mr. GREEN.

H.R. 1531: Mr. SHERMAN and Mr. FORBES.

H.R. 1595: Mr. SHADEGG.

H.R. 1601: Mr. KUCINICH, Mr. EVANS, Mr. LANTOS, and Mr. THOMPSON.

H.R. 1605: Mr. MCGOVERN and Mr. PALLONE.

H.R. 1614: Mr. KLUG.

H.R. 1656: Mr. BOSWELL and Mr. CLYBURN.

H.R. 1689: Mr. CANNON, Mr. REDMOND, Ms. VELÁZQUEZ, Mr. LANTOS, Mrs. MORELLA, and Mr. ARCHER.

H.R. 1704: Mr. CONDIT.

H.R. 1732: Mrs. TAUSCHER.

H.R. 1788: Ms. JACKSON-LEE, Mr. LANTOS, and Mr. WEXLER.

H.R. 1872: Mr. NEAL of Massachusetts.

H.R. 2019: Mr. JEFFERSON, Mr. MCCRERY, and Mr. COOKSEY.

H.R. 2020: Mr. MALONEY of Connecticut, Mr. ALLEN, Ms. DEGETTE, and Mr. DELAHUNT.

H.R. 2023: Mr. CLYBURN and Mr. LUTHER.

H.R. 2321: Mr. DAVIS of Illinois.

H.R. 2380: Mr. EHRLICH.

H.R. 2400: Mr. SCARBOROUGH and Mr. FOSSELLA.

H.R. 2431: Mr. CHRISTENSEN and Mr. LEWIS of Georgia.

H.R. 2454: Mr. ROTHMAN, Mr. MARTINEZ, and Mr. NADLER.

H.R. 2457: Mr. MARTINEZ and Mr. NADLER.

H.R. 2500: Mr. KLECZKA Mr. GRAHAM. and Mr. LIPINSKI.

H.R. 2509: Mr. CUNNINGHAM, Mr. CALVERT, Mr. FOLEY, Mr. BOUCHER, and Mr. BARCIA of Michigan.

H.R. 2525: Mr. BLAGOJEVICH.

H.R. 2549: Mr. FROST, Mrs. THURMAN, Mr. FILNER, and Mr. SHERMAN.

H.R. 2568: Mr. SOUDER.

H.R. 2609: Mr. JONES.

H.R. 2635: Mr. DAVIS of Illinois, Mr. STUPAK, Mr. MILLER of California, Mr. GILMAN, Ms. DEGETTE, Mr. TRAFICANT, Mr. BLUMENAUER, Mr. WAXMAN, Mr. KLECZKA, Mr. LAHOOD, and Mr. ALLEN.

H.R. 2670: Mrs. ROUKEMA, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. GOSS, and Mr. ACKERMAN.

H.R. 2695: Mr. BERMAN and Mr. MATSUI.

H.R. 2701: Mr. MASCARA.

H.R. 2714: Mr. FATTAH.

H.R. 2723: Mr. TIAHRT.

H.R. 2728: Mr. PORTER.

H.R. 2733: Mr. STEARNS, Mr. GEJDENSON, Mr. ADAM SMITH of Washington, Mr. GOODE, Mr. JONES, Mr. SPENCE, Mr. HOBSON, Mr. FORD, Mr. SABO, Mr. BISHOP, Mr. EDWARDS, Ms. DANNER, Mr. JENKINS, Mr. HUTCHINSON, Mr. HINCHEY, Mr. HASTINGS of Florida, Ms. PRYCE of Ohio, Mr. GOODLATTE, Ms. PELOSI, Ms. DEGETTE, Mrs. LOWEY, Mr. ADERHOLT, Mr. BARR of Georgia, Mr. CHRISTENSEN, Mr. MARTINEZ, Mr. KLECZKA, Mr. GRAHAM, Mr. MORAN of Virginia, Mr. STUPAK, Mr. PALLONE, Mr. TAYLOR of Mississippi, Mr. BARRETT of Nebraska, and Mr. SCHIFF.

H.R. 2754: Mr. SANDERS, Mr. MALONEY of Connecticut, Mr. STOKES, and Mr. ALLEN.

H.R. 2821: Mr. DICKEY, Mr. SOUDER, and Ms. SLAUGHTER.

H.R. 2829: Mr. CONDIT, Mr. DOOLITTLE, Mr. GILLMOR, Mr. PEASE, and Mr. PICKETT.

H.R. 2840: Mr. HASTINGS of Washington, Mrs. MYRICK, and Mrs. NORTHUP.

H.R. 2853: Mr. DELAHUNT, Mr. FROST, and Mr. KENNEDY of Rhode Island.

H.R. 2868: Mr. BONILLA.

H.R. 2912: Mr. ALLEN, Mr. RODRIGUEZ, and Mr. ORTIZ.

H.R. 2914: Mr. MINGE.

H.R. 2921: Mr. STRICKLAND, Mr. SAM JOHNSON, Mr. NEAL of Massachusetts, Mr. MILLER of California, Mr. GILMAN, and Mr. THOMPSON.

H.R. 2931: Mr. DAVIS of Illinois, Mr. DIXON, Mr. BROWN of Ohio, Mr. MCGOVERN, and Mr. TIERNEY.

H.R. 2938: Mr. BARTON of Texas, Mr. SESSIONS, Mr. HALL of Texas, and Mr. HASTINGS of Florida.

H.R. 2951: Mr. ALLEN, Mr. CHABOT, AND Ms. SLAUGHTER.

H.R. 2970: Mr. ACKERMAN, Mr. SHAYS, and Mr. SNYDER.

H.R. 2983: Mr. DOOLEY of California, Mr. RUSH, Mr. TORRES, and Mr. MCNULTY.

H.R. 2990: Mr. PAYNE, Ms. RIVERS, Mr. GREENWOOD, Ms. STABENOW, Mr. DAVIS of Illinois, Mr. RAHALL, Mr. EHLERS, Mr. FOX of Pennsylvania, Mr. HULSHOF, Ms. NORTON, Mr. DOYLE, Mr. NEY, Mr. PAUL, Ms. MCCARTHY of Missouri, Mr. UPTON, Mr. MCINTYRE, Mr. SANDLIN, and Mr. TRAFICANT.

H.R. 3032: Mr. SKAGGS.

H.R. 3131: Mr. CONYERS and Mr. STARK.

H.R. 3144: Mr. REDMOND and Mr. SHAYS.

H.R. 3146: Mr. BERMAN

H.R. 3148: Mr. BLUNT.

H.R. 3152: Ms. LOFGREN and Mr. RADANOVICH.

H.R. 3153: Mr. ADAM SMITH of Washington.

H.R. 3156: Mrs. MORELLA, Mr. GANSKE, Mr. PORTER, Mr. STARK, Mr. BARRETT of Nebraska, Mr. FRELINGHUYSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CONYERS, Ms. JACKSON-LEE, Mr. UPTON, Mr. JEFFERSON, Mr. STOKES, and Mrs. MEEK of Florida.

H.R. 3162: Ms. GRANGER.

H.R. 3168: Mr. QUINN and Mr. GOODLATE.

H.R. 3174: Mr. HALL of Texas.

H.R. 3205: Mr. NEY, Mr. BOSWELL, Mr. ORTIZ, Mr. DICKS, and Mr. FOLEY.

H.R. 3216: Mrs. MEEK of Florida, Mr. FRANK of Massachusetts, Mr. WATTS of Oklahoma, Mr. KENNEDY of Massachusetts, Mr. RODRIGUEZ, Mr. SKAGGS, and Mr. WAXMAN.

H.R. 3217: Mr. GINGRICH and Mr. RAMSTAD.

H.R. 3240: Mr. LANTOS.

H.R. 3246: Mr. WELDON of Florida.

H.R. 3255: Mr. KLECZKA and Mr. FILNER.

H.R. 3260: Ms. KAPTUR, Mr. VISCLOSKY, and Mr. LEVIN.

H.R. 3269: Mr. KUCINICH, Mr. LANTOS, and Mr. EVANS.

H.R. 3279: Mr. MCGOVERN.

H.R. 3291: Mr. TRAFICANT.

H.R. 3293: Mr. TOWNS, Ms. JACKSON-LEE, and Mr. FILNER.

H.R. 3295: Mr. TIERNEY, Mr. FATTAH, Mrs. MALONEY of New York, Mr. MARKEY, and Mr. SPRATT.

H.R. 3297: Mr. PICKETT.

H.R. 3336: Mr. DAVIS of Florida, Mr. BILIRAKIS, Mr. DEUTSCH, and Mr. WEXLER.

H.R. 3376: Mr. BILBRAY.

H.R. 3400: Ms. NORTON.

H.R. 3435: Mr. ENGLISH of Pennsylvania, Mrs. JOHNSON of Connecticut, and Mr. CHRISTENSEN.

H. Con. Res. 158: Mr. FOSSELLA.

H. Con. Res. 188: Mr. STARK.

H. Con. Res. 203: Mr. CLYBURN and Mr. WEYGAND.

H. Con. Res. 210: Ms. SLAUGHTER and Mr. DOYLE.

H. Con. Res. 212: Ms. DANNER, Mr. REDMOND, Mr. MANZULLO, Mr. WALSH, Mr. BLUNT, Mr. THORNBERRY, Mr. SANDLIN, and Mr. POMEROY.

H. Con. Res. 214: Mr. CLEMENT.

H. Con. Res. 218: Mr. LEACH.

H. Con. Res. 233: Mr. FAZIO of California.

H. Con. Res. 235: Mr. NADLER.

H. Res. 212: Mr. HILLIARD, Mr. JACKSON, Mr. LANTOS, Mr. MILLER of California, Ms. RIVERS, and Mr. BOB SCHAFFER.

H. Res. 247: Mr. DEFAZIO.

H. Res. 358: Ms. MILLENDER-MCDONALD, Mr. SANDLIN, and Mr. LANTOS.

H. Res. 361: Mr. HAMILTON, Mr. LEACH, Mr. FALEOMAVAEGA, Mr. SMITH of New Jersey, and Mr. FOX of Pennsylvania.

H. Res. 381: Mr. WATTS of Oklahoma, Mr. NETHERCUTT, and Mr. ADERHOLT.

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. 1415: Mr. DREIER.

EXTENSIONS OF REMARKS

THE TRAGEDY OF HALABJA

HON. NEWT GINGRICH
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. GINGRICH. Mr. Speaker, I am pleased to submit into the CONGRESSIONAL RECORD this editorial by Dr. Christine Gosden from the Washington Post of March 11, 1998. I believe that this editorial helps put the terrible effects of chemical and biological weapons into perspective and clearly illustrates why Saddam Hussein is a mortal danger to this planet. We must never allow ourselves to forget the ghastly horrors of Halabja and Saddam Hussein's willingness to inflict the horrors of chemical and biological weapons not only on the Iranians, but on his own people.

The editorial follows:

[From the Washington Post, Mar. 11, 1998]

WHY I WENT, WHAT I SAW

(By Christine Gosden)

We have all talked so long and so reflexively about "weapons of mass destruction" that the phrase has lost much of its immediacy and meaning. It has become, like "nuclear devastation" and "chemical and biological warfare," an abstract term of governmental memos, punditry and political debate. For many it calls forth neither visual imagery nor visceral revulsion.

Two Sundays ago, the TV program "60 Minutes" got a good start on changing that when it broadcast the story of the Iraqi city of Halabja 10 years after its civilian population had been the target of a chemical attack by Saddam Hussein. That population is mainly Kurdish and had sympathized with Iran during the Iran-Iraq war. The gassing of its people was in retaliation for that sympathizing.

"60 Minutes" has given us permission to make still pictures from the film, which was originally shot, both in 1988 and 1998, by the British film maker, Gwynne Roberts. The "60 Minutes" staff also helped us to get in touch with the remarkable Dr. Christine Gosden, a British medical specialist, whose efforts to help the people of Halabja it documented. Dr. Gosden, who went out to Halabja 10 years after the bombing, agreed to write a piece for us, expanding on what she saw in Iraq. People around the world have seen the evidence of deformity and mutation following from the nuclear bombing of Hiroshima and Nagasaki. It shaped their attitude toward the use of atomic weapons. Maybe if more evidence of the unimaginable, real-life effects of chemical warfare becomes available, a comparable attitude toward those weapons will develop.

On the 16th of March 1988, an Iraqi military strike subjected Halabja, a Kurdish town of 45,000 in northern Iraq, to bombardment with the greatest attack of chemical weapons ever used against a civilian population. The chemical agent used were a "cocktail" of mustard gas (which affects skin, eyes and the membranes of the nose, throat and lungs), and the nerve agents sarin, tabun and VX. The chemicals to which the people were exposed drenched their skin and clothes, affected their respiratory tracts and eyes and contaminated their water and food.

Many people simply fell dead where they were, immediate casualties of the attack; estimates put these deaths at about 5,000. A few were given brief and immediate treatment, which involved taking them to the United States, Europe and Iran. The majority of them returned to Halabja. Since then, no medical team, either from Iraq, Europe or America or from any international agency has monitored either the short- or long-term consequences of this chemical attack. Gwynne Roberts, a film director, made the award-winning film "The Winds of Death" about the attack in 1988. I saw this film, and it had a tremendous effect on me. Gwynne revisited Halabja in 1997 and was concerned that many of the survivors seemed very ill. He could not understand why no one had tried to find out what was happening to them. He convinced me that this was something I had to do.

Why would a female professor of medical genetics want to make a trip like this? I went to learn and to help. This was the first time that a terrible mixture of chemical weapons had been used against a large civilian population. I wanted to see the nature and scale of the problems these people faced, and was concerned that in the 10 years since the attack no one, including the major aid agencies, had visited Halabja to determine exactly what the effects of these weapons had been.

My medical specialty was particularly apt. My principal field of research is directed toward trying to understand the major causes of human congenital malformations, infertility and cancers including breast, ovarian, prostate and colon cancers. I am carrying out studies on a group of about 15 genes called tumor suppressor genes, which include breast/ovarian cancer genes BRCA1 and BRCA2, colon cancer genes and the Retinoblastoma and Wilm's tumor genes associated with childhood cancers. When these genes are disrupted or mutate, they have a number of effects. Alterations lead to congenital abnormalities or pregnancy loss. Their role after birth is to try to prevent cancers from forming. Later in life, loss or mutation may lead to infertility and cancers.

I was particularly concerned about the effects on the women and children. Most of the previous reported exposures to chemical weapons and mustard gas had involved men involved in military service; chemical weapons had never been used on this scale on a civilian population before. I was worried about possible effects on congenital malformations, fertility and cancers, not just in women and children but in the whole population. I also feared that there might be other major long-term effects, such as blindness and neurological damage, for which there is no known treatment.

What I found was far worse than anything I had suspected, devastating problems occurring 10 years after the attack. These chemicals seriously affected people's eyes and respiratory and neurological systems. Many became blind. Skin disorders which involve severe scarring are frequent, and many progress to skin cancer. Working in conjunction with the doctors in the area, I compared the frequency of these conditions such as infertility, congenital malformations and cancers (including skin, head, neck, respiratory system, gastrointestinal tract, breast and childhood cancers) in those who were in Halabja at the time with an unexposed population from a city in the same region. We found the frequencies in Halabja are at least three to four times greater, even 10 years after the attack. An increasing number of children are dying each year of leukemias and lymphomas. The cancers tend to occur in much younger people in Halabja than elsewhere, and many people have aggressive tumors, so that mortality rates are high. No chemotherapy or radiotherapy is available in this region.

I found that there was also a total lack of access to pediatric surgery to repair the major heart defects, hare lip and cleft palate or other major malformations in the children. This meant that children in Halabja are dying of heart failure when children with the same heart defects could have had surgery and would probably have survived in Britain or the United States. It was agonizing for me to see beautiful children whose faces were disfigured by hare lip and cleft palate when I know that skilled and gifted surgeons correct these defects every day in North America and Europe.

The neuropsychiatric consequences are seen as human tragedy on every street, in almost every house and every ward of the hospital. People weep and are in great distress because of their severe depression, and suicidal tendencies are alarmingly evident. The surgeons often have to remove bullets from people who have failed in their suicide attempts. In collecting data from the Martyrs Hospital in Halabja, the doctors said that they are not able to see patients with psychiatric and neurological conditions because there is a lack of resources and there is no effective treatment. Many people have neurological impairment or long-term neuromuscular effects. Most people cannot afford even the cheapest treatment or drugs and so are reluctant to come to the hospital. At present, even for those with life-threatening conditions, there is no effective therapy for any of these conditions in Halabja.

On the first day of my visit to the labor and gynecological ward in the hospital, there were no women in normal labor and no one had recently delivered a normal baby. Three women had just miscarried. The staff in the labor ward told of the very large proportion of pregnancies in which there were major malformations. In addition to fetal losses and perinatal deaths, there is also a very large number of infant deaths. The frequencies of these in the Halabjan women is more than four times greater than that in the neighboring city of Soulemaneya. The findings of serious congenial malformations with genetic causes occurring in children born years after the chemical attack suggest that the effects from these chemical warfare agents are transmitted to succeeding generations.

Miscarriage, infant deaths and infertility mean that life isn't being replenished in this community, as one would expect if these weapons had no long-term effects. The people hoped that after the attack they could rebuild the families and communities that had been destroyed. The inability to do so has led to increasing despair. Their lives and hopes have been shattered. One survivor described being in a cellar with about a hundred other people, all of whom died during the attack. Not only do those who survived have to cope with memories of their relatives suddenly dying in their arms, they have to try to come to terms with their own painful diseases and those of their surviving friends and relatives.

For instance, many people have more than one major condition, including respiratory problems, eye conditions, neurological disorders, skin problems, cancers and children with congenital malformations and childhood handicaps such as mental handicap, cerebral palsy and Down's syndrome. The occurrences of genetic mutations and carcinogenesis in this population appear comparable with those who were one to two kilometers from the hypocenter of the Hiroshima and Nagasaki atomic bombs and show that the chemicals used in this attack, particularly mustard gas, have a general effect on the body similar to that of ionizing radiation.

Ten years after the attack, people are suffering a wide spectrum of effects, all of which are attributable to long-term damage to DNA. A radio broadcast was made the day before our arrival to ask people who were ill to come to the hospital to record their problems. On the first day, 700 people came; 495 of them had two or more major problems. The cases we encountered were extremely sad.

The people of Halabja need immediate help. There is a need for specialists (such as pediatric surgeons), equipment and drugs. Even more basic than this, though, is the need for heat, clean water and careful efforts to safeguard them against further attacks. We have to realize that there is very little medical or scientific knowledge about how to treat the victims of a chemical weapons attack like this effectively. We need to listen, think and evaluate with skill, since many of these people have had exposures to strange combinations of toxic gases. They have conditions that have not been seen or reported before. We may severely disadvantage a large group of vulnerable people and deny them effective diagnosis and treatment if we are intellectually arrogant and fail to admit that we have virtually no knowledge about how to treat the problems resulting from these terrible weapons, which have been used to more powerful and inhumane effect than ever before.

The pictures beamed around the world after the attack in 1988 in newspapers and on TV were horrifying. One picture was of a father who died trying to shield his twin sons from the attack. The statue in the road at the entrance to Halabja is based on that picture. This is not a traditional statue of someone standing proud and erect, captured in stone or bronze to represent man triumphant and successful, but of a man prostrate and agonized dying in the act of trying to protect his children. A deep and lasting chill went through me when I entered the town and saw the statue, and it settled like a toxic psychological cloud over me. This proved hard to dispel; it intensified as I met the people, heard their stories and saw the extent of the long-term illnesses caused by the attack. The terrible images of the people of Halabja and their situation persist and recur in my nightmares and disturb my waking thoughts. Perhaps these thoughts persist so vividly as a reminder to me that the major task is now to try and get help for these people.

SIERRA CLUB SUPPORTS THE TROPICAL FOREST PRESERVATION ACT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention a letter from the Sierra Club dated March 13, 1998, in support of H.R. 2870, the Tropical Forest Conservation Act of 1998.

There is widespread and growing bipartisan support for this bill, which now has over 40 cosponsors. Members of the environmental community have also voiced their support. The Sierra Club, on behalf of its 550,000 members, praises H.R. 2870 as an "innovative solution" to tropical forest preservation.

I hope my colleagues will join me in support of this important bill when it comes before us this week.

The letter follows:

SIERRA CLUB,
Washington, DC, March 13, 1998.

Re: H.R. 2870, tropical forest debt swap bill.

Hon. Robert Portman,
Hon. John Kasich,
Hon. Lee Hamilton,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVES PORTMAN, KASICH AND HAMILTON: On behalf of the 550,000 members of the Sierra Club we are writing to support the early passage of your Tropical Forest Debt for Nature Swap legislation. As you know, primary forests are under assault in almost all countries. Tropical forests are being destroyed at the rate of 50 to 100 acres per minute, or 40 to 50 million areas per year—an area the size of the State of Washington. If we do nothing to stop this destruction, the majority of these lush forests may be irreparably damaged within our lifetimes.

While the causes of this destruction are complex, your legislation demonstrates that innovative solutions to their preservation can be found. H.R. 2870 follows in the tradition of the successful Enterprise for the Americas Act which led to the establishment of national environmental trust funds in many Latin American countries. These trust funds—managed by non-governmental organizations—have empowered local citizens to initiate hundreds of environmental protection projects throughout Latin America. Your bill will bring this creative initiative to the rest of the tropical countries. If properly funded, the trust funds should greatly facilitate the development of long-term solutions, designed to preserve the remaining primary tropical forests.

We welcome this initiative and urge its quick passage into law. Thank you for your leadership in helping to slow the destruction of these treasure houses of biological diversity.

Sincerely,

LARRY WILLIAMS,
Director, International Program.

LET STARR SHINE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. SOLOMON. Mr. Speaker, it is tragic enough that doubts abound about the integrity and motivations of many of our elected officials in the eyes of the people of this country. It is even more unjust when those doubts are planted by people we should trust. Recently, the Clinton Administration has deflected the public's attention away from the accusations against the President and toward Independent Counsel Kenneth Starr. All of the president's people are repeatedly attacking Mr. Starr and distracting him from doing his job. What makes this a tragedy is the fact that Mr. Starr is merely performing the duties legally delegated to him. Kenneth Starr is a man of impeccable integrity. He should be allowed to continue his investigation without undue interference or political attacks. In that way only, will he be able to discern the truth. I have enclosed two relevant editorials. The first was written by four outstanding former attorneys general, and was published on March 11 in the Wall Street Journal. The second article was found in The Poughkeepsie Journal, a Gannett newspaper that serves some of my constituents in Dutchess County, New York.

[From the Wall Street Journal, Mar. 11, 1998]

LET STARR DO HIS JOB

(The following statement was issued last Thursday by four former U.S. attorneys general. A related editorial appears nearby.)

As former attorneys general of the United States, we oppose the Independent Counsel Act. We believed in the past, and we believe now, that the United States Department of Justice is capable of investigating all criminal and civil matters involving the United States government. We also believe that the Independent Counsel Act raises serious constitutional issues involving, among other things, separation of powers and due process. However, we also believe in the rule of law. In *Morrison v. Olson*, the United States Supreme Court ruled that the Independent Counsel Act is constitutional. Moreover, in 1994, after the law had lapsed, Congress reauthorized the Independent Counsel Act, and President Clinton signed it into law. Therefore, the Independent Counsel Act is today the law of the land, and it must be enforced.

As former attorneys general, we are concerned that the severity of the attacks on Independent Counsel Kenneth Starr and his office by high government officials and attorneys representing their particular interests, among others, appear to have the improper purpose of influencing and impeding an ongoing criminal investigation and intimidating possible jurors, witnesses and even investigators. We believe it is significant that Mr. Starr's investigative mandate has been sanctioned by the Attorney General of the United States and the Special Division of the United States Court of Appeals for the District of Columbia.

Further, Mr. Starr is effectively prevented from defending himself and his staff because of the legal requirements of confidentiality and the practical limitations necessitated by the ongoing investigations.

As former attorneys general, we know Mr. Starr to be an individual of the highest personal and professional integrity. As a judge

on the United States Court of Appeals for the District of Columbia and Solicitor General of the United States, he exhibited exemplary judgment and commitment to the highest ethical standards and the rule of law.

We believe any independent counsel, including Mr. Starr, should be allowed to carry out his or her duties without harassment by government officials and members of the bar. The counsel's service can then be judged, by those who wish to do so, when the results of the investigation and the facts underlying it can be made public.

GRIFFIN B. BELL,
Attorney General for President Jimmy Carter.
EDWIN MEESE III,
Attorney General for President Ronald Reagan.
RICHARD L. THORNBURGH,
Attorney General for Presidents Ronald Reagan and George Bush.
WILLIAM P. BARR,
Attorney General for President George Bush.

[From the Poughkeepsie Journal, Feb. 28, 1998]

LET STARR DO HIS JOB

Spin doctors in Washington have apparently performed successful surgery on President Clinton's reputation—his approval ratings are soaring with the angels. But Special Prosecutor Kenneth Starr's numbers are down in the cellar.

The steady beat of the president's people, all saying the same thing, has had the obviously desired effect—it's distracted the attention of the American public away from questions of Clintonian wrongdoing, and onto a special prosecutor supposedly running amuck.

Clinton's people loudly proclaim Starr really is overstepping his bounds in his investigations of the president. If he really were, there would be grounds for dismissal by the judges who appointed Starr. Or Attorney General Janet Reno, or the president himself could.

But nobody's moving to dismiss the special prosecutor. They're just making lots of noise on television about him.

Fortunately, the one person whose attention should be on questions of presidential wrongdoing, is. Starr is simply doing his job.

The major issue is not whether Clinton had affairs with Monica Lewinsky, Paula Jones or anyone else—though that certainly is a significant moral matter that he may be forced to address, if the allegations turn out to be true.

The major issue is whether the president obstructed justice. Whether he committed perjury and urged others to do the same. And whether evidence was tampered with, and witnesses bought off. That is a significant legal issue that could drive him out of the White House.

We must, of course, presume Clinton is innocent, unless he is proven guilty. He deserves that constitutional privilege as much as any American.

It's also wrong, lacking proof, to paint Kenneth Starr as the guilty party. He's just doing his job. Maybe his investigation will come to nothing. Maybe not. But let him take as much time as he needs to do that job and discern the truth.

The nation deserves truth. Not spin.

SALUTING THE ORGANIZERS OF THE THYAGARAJA FESTIVAL

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. STOKES. Mr. Speaker, it gives me great pleasure to recognize the dedicated work of an extraordinary group of citizens in my Congressional District. For the past twenty years, the Music Department at Cleveland State University and other volunteers under the direction of Dr. T. Temple Tuttle, have organized and hosted the Thyagaraja Festival. This festival has brought musicians from Asia, Africa, Europe, and Australia to perform in the City of Cleveland and have their traditional art forms, cultures, and values celebrated and honored by political and educational leaders. The event also offers attendees the opportunity to experience an array of truly exceptional cultural performances. Audiences have come from as far as Alaska to enjoy these festivities.

In its 21st year, over one hundred volunteers assisted with food preparation and arrangements for the festival. The festival will highlight the Chief Guest, Sri Mukherjee, and the great vocalist, T.N. Seshagopalan will be honored as "Sangeetha Rathnakara," a high honorific meaning "Jewel of a Performer." In addition to the scheduled performers, who will come from India this year, 70 to 100 amateur performers are expected, and a crowd of over two thousand.

Mr. Speaker, the Thyagaraja Festival stands as a recognized commitment to international unity and an appreciation for the beauty of cultural diversity and artistic expression. Again, I salute the organizers of the 1998 Thyagaraja Festival for creating an opportunity for the City of Cleveland and our great nation to participate in an event whose ultimate objective is to increase multi-cultural awareness and acceptance, and secure global peace.

TRIBUTE TO WOMEN IN BUSINESS

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. DAVIS of Illinois. Mr. Speaker, as we celebrate Women's History Month, I rise today to pay tribute to women in business and to express pride in the fact that the women of Chicago and Cook County have benefited from the successful programs of the Women's Business Development Center.

Based in Chicago, the Women's Business Development Center serves 2,000 women annually with counseling, training, financial assistance, certification, procurement and advocacy on behalf of women's economic empowerment. The programs of the Chicago-based center are effective, successful and benefit diverse women. These centers service an array of women and their families, including self-employment for former welfare recipients, business development, expansion and job creation.

The work of the Women's Business Development Center and other women's business assistance centers are essential to strengthening the economy of this Nation by fostering women's business development nationally.

The WBDC and women's business assistance centers are funded by the United States SBA office of Women's Business Ownership and by private and public sector support. They help support a diverse and growing population of new and emerging job-creating women entrepreneurs, including women in transition off welfare.

These centers are unique in that they provide long-term training, involve public and private partnerships for their support, and can be measured on the basis of their economic impact. These centers have served tens of thousands of women.

The women's business assistance centers serve our constituencies by offering quality programs to effectively leverage scarce public and private resources into successful job creation, new business start-ups, and business expansion. Most of them, even after they are no longer eligible for Federal funding, continue to be sustained by the private sector.

These centers are committed to economic self-sufficiency programs that are as diverse as the women served; women of color, women on public assistance, women seeking self-employment, rural and urban women, and women starting home-based businesses. Therefore, it is appropriate that we pause to recognize the great work of the Women's Business Development Center and women's business assistance centers throughout the country.

I take special note of the work of Hedy Ratner and Carol Dougal of the Women's Business Development Center, Counselo Pope of the Cosmopolitan Chamber of Commerce, Connie Evans, Director of the Women's Self-Employment Project, Karen Yarbrough, proprietor of Hathaway Insurance, Deborah M. Sawyer, founder Environmental Design International and other outstanding women in the City of Chicago and the state of Illinois, who provide immeasurable help and support to other women seeking to go into business.

HONORING ALEXANDRIA HIGH SCHOOL FOOTBALL TEAM ON WINNING THE 4A STATE CHAMPIONSHIP

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. RILEY. Mr. Speaker, Paul "Bear" Bryant, the legendary football coach at the University of Alabama, used a now famous quote to inspire his football team. "If you believe in yourself and have dedication and pride—and never quit, you'll be a winner. The price of victory is high but so are the rewards." Well, the Alexandria High School Football Team of Alexandria, Alabama took Coach Bryant's words to heart as they worked, practiced, and sacrificed throughout their season to be the best

that they could be. It was this dedication and desire that enabled the Alexandria High School Football team to win the 4A State Championship on December 12, 1997.

While their victory deserves to be recognized, what is more impressive is that this victory marked their second state football title in three years. In addition, this team ended their season with an impressive 13–1 record.

Over the course of the season, Mr. Speaker, the 51 players of this team bonded into a well-knit family, creating a strong following not only within the high school itself, but also throughout the small town of Alexandria. In fact, this team was such an inspiration to the community that well wishers converged on the stadium as early as 3:00 p.m. (nearly four hours before the kickoff) just to find seats. Such loyal fans are normally found only on college campuses, and I believe that through such a strong following, the players and coaches were all that more determined to bring home the title.

Mr. Speaker, I would ask that my colleagues join me in thanking the parents, teachers, students and others who have followed this team and offered their support for this squad throughout the entire season. Specifically, I would like to congratulate Head Coach Larry Ginn and the assistant coaches for a job well done.

I commend them all on the spirit, pride, and hard work they have shown to their community, and I wish them the very best of luck in seasons to come.

THE "AIRPORT SAFETY ACT"

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. TRAFICANT. Mr. Speaker, last week I introduced legislation, H.R. 3463, to require U.S. airports to install enhanced vision technologies to replace or enhance conventional landing light systems over the next ten years. The "Airport Safety Act" will more than pay for itself because of the cost effectiveness of enhanced vision technologies and the reduction in airplane landing accidents and aborted landings. I urge all members to support this important legislation.

H.R. 3463 defines enhanced vision technologies as laser guidance, ultraviolet guidance, and cold cathode technologies. The bill directs the U.S. Department of Transportation to issue regulations requiring airports to install these technologies to replace or enhance conventional landing light systems within ten years of enactment of the legislation. In addition, H.R. 3463 makes the installation of enhanced vision technologies eligible for funding under the airport improvement program.

This bill will make use of a proven new technology to dramatically enhance aviation safety. According to the Flight Safety Foundation, loss of flight crew situational awareness is the primary cause of most airplane accidents. Situational awareness is best defined as an accurate perception of the factors and conditions affecting the safe operation of an aircraft.

Enhanced vision technologies represent a dramatic breakthrough in improving flight crew situational awareness during airplane landings—especially in low visibility situations. The U.S. military has already thoroughly deployed and tested these technologies—with excellent results. Laser guidance systems provide pilots with a visual navigation flight path from as far as 20 miles from the runway, with the precision of an advanced instrument landing system. Best of all, the installation of enhanced vision technologies to replace or enhance conventional landing light systems will require no additional aircraft equipment.

In addition to dramatically improving the ability of commercial pilots to land aircraft during night time, fog and other foul weather conditions, these technologies also will dramatically reduce the likelihood of traffic collisions at airports with parallel runways.

Enhanced vision technologies provide the U.S. aviation system with an unlimited amount of applications. They can be built and installed at high or low density airports, airports located in mountainous terrain, unprepared and unlit airports, vertical landing zones, confined areas such as hospitals, law enforcement agencies, oil rig platforms and remote islands.

Perhaps the most dramatic aspect of enhanced vision technologies are their ability to penetrate most weather conditions—including dense fog. For example, ultraviolet electro-optical guidance systems (UVEOGS) are specifically designed to penetrate dense fog. In tests structured by the Federal Aviation Administration and the U.S. Air Force, UVEOGS were visible up to a half a mile under 700 feet visibility conditions. These tests indicated that when visibility conditions are 700 feet, an aircraft pilot can detect a UVEOGS cue on the heads-up display and transfer to actual visual approach guidance at a distance of at least 2,400 feet from the runway. UVEOGS technology will allow pilots to acquire runway visibility much earlier than with conventional systems—even under adverse weather conditions. This, in turn, will provide pilots with additional reaction time during landing approaches to make flight path corrections.

UVEOGS is also compatible with the enhance ground proximity warning system (EGPWS). The actual location and image of a runway, anchored to earth, can be displayed in concert with the EGPWS ground contour display. The combination of UVEOGS and EGPWS would mark a significant advance in preventing controlled flight into terrain accidents.

Cold cathode technology produces a more uniform light output than a typical incandescent light. As a result, cold cathode lights leave no after image on the retina, even after looking directly into the light. This is important in aviation applications, especially helicopter operations, because cold cathode lights allow a pilot to see around the light, not just the light itself, thereby increasing the pilot's situational awareness and spatial orientation.

One final note about enhanced vision technologies. Yes, there will be a cost to airports associated with replacing or enhancing conventional landing light system with enhanced vision technologies. However, because enhanced vision technologies generally use less electricity than conventional lighting landing light systems, and are less expensive to maintain, in the long run they will pay for themselves. In addition, the "Airport Safety Act" gives airports ten years to install this technology. Finally, the bill allows airports to use AIP money to finance the installation of the new technology.

There exist today technologies to reduce the threat to aviation safety posed by adverse weather. Enhanced vision technologies have been tested by the U.S. military. They work, and they work well. The time has come for Congress to step up to the plate and require that this proven safety-enhancing technology be installed at all U.S. airports. If Congress is truly concerned about aviation safety, it will pass H.R. 3463.

THE FACULTY RETIREMENT INCENTIVE ACT

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. FAWELL. Mr. Speaker, I am pleased to today join with my colleagues Messrs. GOODLING, MCKEON, ANDREWS, ROEMER, and PETRI in introducing the Faculty Retirement Incentive Act. This bill would amend the Age Discrimination in Employment Act of 1967 (ADEA) to clarify that it is permissible for colleges and universities to offer voluntary early retirement incentives to tenured faculty that are in part age-based.

I support the principles of the ADEA and note that the Act has already recognized the unique nature of faculty tenure. In 1986, when Congress amended the ADEA to abolish the mandatory retirement age, it included a seven year exemption for tenured faculty. On December 31, 1993, that exemption was allowed to expire as recommended by a congressionally mandated study, by the National Academy of Sciences, on the impact of an uncapped retirement age on higher education. The Academy's report, however, concluded that diminished faculty turnover—particularly at research universities—could increase costs and limit institutional flexibility in responding to changing academic needs, particularly with regard to necessary hires in new and expanding fields and discipline. It thus predicated its recommendation for ending mandatory retirement on the enactment of several proposals to mitigate these negative effects. The legislation I am introducing today is one of those proposals.

Moreover, this past January, the bipartisan National Commission on the Cost of Higher Education included this legislative initiative in its recommendations to check the skyrocketing cost of a college education. The Commission recommended that "Congress enact a clarification to the Age Discrimination in Employment Act to ensure that institutions offering defined contribution retirement programs are able to offer early retirement incentives to tenured faculty members. The Commission endorses pending Senate Bill 153, which would accomplish this purpose." This legislation which I am introducing today is similar to S. 153, introduced by Senators MOYNIHAN and ASHCROFT.

However, unlike the Senate version, this bill does not permit an early retirement incentive open exclusively to faculty in a given age range. Under this legislation, a college or university must allow all faculty who qualify for a retirement incentive at the time a plan is established, but for their having attained too advanced an age, at least 6 months to elect to retire and receive that incentive. Thus, no professor is denied eligibility for any retirement incentive on the basis of age.

This legislation has been endorsed by the union that represents university faculty, the American Association of University Professors (AAUP). According to the AAUP, voluntary early retirement incentives are beneficial for both the faculty members who choose to retire and the institutions that need to encourage turnover to make necessary hires. Further, the voluntary nature of the proposed incentives and the double protections available to tenured faculty—the age discrimination laws and the tenure system—insure that this "safe harbor" cannot be used to penalize faculty members who choose not to retire. The AAUP wrote in a January 30, 1998 letter that it supports the legislation because "the retirement incentives under discussion are offered on a voluntary basis . . . [and] the legislation would permit an offer of additional benefits. It would not permit institutions to reduce or eliminate retirement benefits that would otherwise have been available to faculty after a certain age."

The purposes of voluntary early retirement incentives permitted by this bill are precisely in line with the intent of section 4(f)(2)(B)(ii) of the Older Worker's Benefit Protection Act (OWBPA). That amendment to the ADEA states that it is not unlawful for an employer "to observe the terms of a bona fide employee benefit plan . . . that is a voluntary retirement incentive plan consistent with the relevant purpose or purposes of this Act." These incentives are consistent with the purposes of the ADEA because they merely subsidize or enhance the faculty member's regular retirement income, so that the income does not fall so far short of the retirement income that would be available upon retirement at a later age.

OWBPA explicitly allows for certain age-based early retirement subsidies in the case of defined benefit plans, but makes no reference to defined contribution plans. Of the over 3,400 colleges and universities in this country, over 70 percent offer defined contribution plans, which are very popular with the faculty. Both the professors and the institutions want the flexibility that this legislation insures.

This legislation has been endorsed by the American Association of University Professors, the American Council on Education, the American Association of Community Colleges, the American Association of Colleges for Teacher Education, the American Association of State Colleges and Universities, the Association of American Universities, the Association of Catholic Colleges and Universities, the Association of Community College Trustees, the Association of Jesuit Colleges and Universities, the College and University Personnel Association, the Council of Independent Colleges, the National Association of Independent Colleges and Universities, the National Association of State Universities and Land-Grant Colleges, and the National Association of Student Personnel Administrators.

I expect that this provision, along with several other recommendations of the Cost Commission, will be incorporated into H.R. 6, the "Higher Education Amendments of 1998," which will be marked up shortly by the Education and Workforce Committee. Thus, this legislation will contribute to containing the costs of higher education, as well as, in the words of the AAUP, "provide greater flexibility in faculty retirement planning, offer a substantial retirement benefit to those professors who choose to retire under the terms of an incentive plan, and leave other professors whole in their choice to continue their careers."

WORKING TOWARD A COMMON U.S.-EUROPEAN UNION POSITION ON PROLIFERATION ISSUES—THE VIEWS OF UK FOREIGN SECRETARY ROBIN COOK

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. HAMILTON. Mr. Speaker, I had the pleasure to meet with UK Foreign Secretary Robin Cook during his visit to Washington in January, 1998, on the occasion of the UK Presidency of the European Union during the first half of 1998. On March 10, 1998 the British Ambassador sent me the text of a February 20, 1998 letter from Robin Cook, in reply to my short note of January 22nd.

Robin Cook's letter outlines the work of the United States and the European Union toward a common position on proliferation issues, especially with respect to Iran. I commend his letter to you, and the text of our correspondence follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, January 22, 1998.

His Excellency Robin Cook,
Foreign Secretary, The Foreign and Commonwealth Office, London SW1A 2AH, the United Kingdom

DEAR ROBIN: It was a pleasure to meet you last Thursday, January 15, 1998 at your Embassy here in Washington. I enjoyed the opportunity to talk with you, and I benefitted from your comments.

I commend you for your close attention to the recent developments in Iran and Iraq. Continued close contact between the European Union and the United States on these and other issues will allow us to work constructively both to advance our shared interests and to resolve our differences. Your initiative to try to work on a common position toward proliferation issues involving Iran is particularly useful. I hope we can narrow our gap.

Thanks again for being so generous with your time. I wish you and your Government success during your EU Presidency period. I hope you will stay in touch on all matters of mutual interest.

With best regards,

Sincerely,

LEE H. HAMILTON,
Ranking Democratic Member.

FOREIGN & COMMONWEALTH OFFICE,
London SW1A 2AH, February 20, 1998.

DEAR LEE, thank you very much for your letter of 22 January about the need to try to work towards a common European Union/United States position on proliferation issues. I too enjoyed our meeting in Washington.

The gap between the European Union and the United States on proliferation issues is, I believe, much smaller than many people in Congress think. The level of EU/US co-operation over Iran in particular is already very high. As you know, all members of the EU are active members of all the non-proliferation export control regimes: the Missile Technology Control Regime, the Nuclear Suppliers Group, the Zangger Committee, the Australia Group and the Wassenaar Arrangement. As such they apply stringent controls on the export of all dual use goods and missile technology to Iran. In addition to its regular expert level exchanges with the US over proliferation issues, the EU frequently concerts with the US in the margins of the plenary meetings of these regimes to maximise co-operation.

The real problem with transfer of weapons of mass destruction and ballistic missile technology to Iran does not, as the US State Department's own experts acknowledge, originate in the EU, but with third countries. The EU, working with the US, has been particularly active in applying political pressure on Russia, for example, to stop the leakage of ballistic missile technology to Iran. Tony Blair and other European leaders have raised their concern about this problem directly with President Yeltsin. At the EU/Russia Co-operation Council meeting on 26 January, I raised, on behalf of the EU, this question with Yevgeny Primakov. I encouraged him to ensure effective and rigorous implementation of the recent Russian executive order blocking the leaking of weapons of mass destruction technologies. Our Political Director, in his Presidency capacity, followed up a week later at a meeting of senior EU and Russian officials.

This joint pressure is beginning to have an effect. It is a good example of the way in which transatlantic co-operation over shared areas of real concern about Iran is beginning to bite. EU and US officials are working closely to find other ways of developing transatlantic co-operation over proliferation issues. A meeting of EU/US proliferation experts on 10 February identified a number of other ways in which co-operation might be enhanced. Future meetings of experts as well as senior officials will follow in the coming weeks.

When I was in Washington, I stressed my determination to use our Presidency of the European Union to work for greater convergence of EU/US policy towards Iran in our shared areas of real concern, Iran's attempts to acquire weapons of mass destruction and its support for terrorism. However, I also made clear that the EU did not believe in the economic and political isolation of Iran and opposed US extra-territorial legislation like the Iran Libya Sanctions Act (ILSA), which penalises EU companies engaged in legitimate commercial activity in Iran. We do not believe that economic sanctions against Iran will have a significant impact upon Iran's attempts to acquire weapons of mass destruction. The best way to hinder these is through effective export controls and joint political action with suppliers of technology, areas in which the EU is already extremely active. My concern is that ILSA acts as a major impediment to our joint efforts to enhance transatlantic co-operation in our shared areas of real concern. In the end, countries such as Iran benefit from our differences. I know this was not the intention of the authors of the Act. I hope you will work with

your colleagues to try to find a way through these difficulties, so that we will find it easier to achieve our common goal, preventing Iran acquiring weapons of mass destruction.

Our Embassy in Washington would be happy to brief you and your colleagues in more detail on the non-proliferation and counter-terrorism measures the EU takes against Iran.

Yours Sincerely,

ROBIN COOK.

IN HONOR OF CHARLES R. JACKSON

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. SOLOMON. Mr. Speaker, I rise today to note for my colleagues the retirement of the President of the Non Commissioned Officers Association of the USA, Force Master Chief Petty Officer Charles R. Jackson US Navy, Retired. On March 30, he will end more than 45 years of public service which began in the Ohio National Guard, included more than 25 years in the United States Navy and culminated in nearly 19 years of service to the military and veterans community as a representative of the Non Commissioned Officers Association.

Chuck's Navy career began with his enlistment in 1955 and his assignment and training as an Aviation Photographers Mate. Rather than setting into a career in technical skills, Chuck continually sought leadership roles. His talents were recognized and rewarded first with an assignment as the head of the photo section in which he served and later through progressively more responsible roles, including Navy Career Counselor. During his long and distinguished Navy years, he served as an independent duty recruiter, Chief Master at Arms and Command Master Chief for two aircraft carriers, as well as Area and Zone Supervisor for recruiting in Florida and offshore in the Caribbean. Ultimately, he was appointed as Force Master Chief for Navy Recruiting Command, the senior enlisted recruiter in the US Navy and one of a handful of Force Master Chief Petty Officers.

Chuck's Navy service carried him from the United States to the Mediterranean, to South Africa and Vietnam, the South Pacific and the Far East, indeed, all around the world. His service was rewarded with, among other awards, the Meritorious Service Medal, the Navy Commendation Medal, the Navy Achievement Medal, the Vietnam Service Medal, the Force Master Chief Petty Officer and Navy Recruiting Command Badges.

Upon leaving the Navy in 1979, Chuck joined the staff of the Non Commissioned Officers Association. Fourteen months later, he accomplished his first major goal when the Administrator of Veterans Affairs granted NCOA recognition as an Accredited National Service Organization. Chuck recruited and trained the first NCOA national service officers and expanded the force to more than 300 accredited service officers nationally.

Soon thereafter, he was elected to the Board of Directors, where he served first as Secretary, and then as Chairman of the Board of Directors, Executive Vice President and President of the Association.

In 1984, he became the head of NCOA's Washington Office. During his tenure in this position, the association received its Federal Charter from Congress as a Veterans Organization. The association also accomplished many longtime legislative goals, including parity in special pays and survivor benefits for members of the armed forces, separation pay for enlisted members, Permanent enactment of the Montgomery G.I. Bill, improved VA housing benefits, and special VA benefits for reservists.

After becoming president of the association, Chuck set about modernizing NCOA and protecting its future. He upgraded equipment throughout NCOA offices here and abroad. He created new business practices for the association, modernized our partnership relations and created many new opportunities for the association and its members. Among the most notable are the products and service discounts awarded to NCOA members from Federal Express, MNBA Bankcard, AT&T, and many others.

Chuck was also instrumental in launching the NCOA National Defense Foundation, which has donated more than $5 million in cash and services to the Department of Veterans Affairs since 1990.

Chuck Jackson has brought a new strength and credibility to the Non Commissioned Officers Association. His service is appreciated and will be missed. Please join me in wishing him a long and pleasurable retirement with his wife Sylvia, daughters, Debbie and Dianne, and their grandchildren.

TRIBUTE TO THE VFW POST 8832 LADIES AUXILIARY IN ROUNDHEAD, OHIO

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. OXLEY. Mr. Speaker, I commend to the attention of all those present before the House of Representatives and hope that other civic groups will follow in the footsteps of the VFW Post 8832 Ladies Auxiliary in Roundhead, Ohio as they celebrate their 50th Anniversary. A copy of my congratulatory letter to them is included for the CONGRESSIONAL RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 16, 1998.

MS. SHIRLEY KRAMER,
VFW Post 8832 Roundhead
Lakeview, OH.

DEAR FRIENDS: I just learned that you will be celebrating your 50th anniversary this month. Please allow me to add my name to the list of well-wishers on this great occasion.

This is quite a milestone and one that you all can certainly be proud of achieving. This achievement validates all your hard work and dedication. The community owes a debt of gratitude for all that you have contributed to it every since your beginnings in 1948. I commend all your many worthwhile programs which benefit our hospitals, youth, veterans, and families. I look forward to 50 more exciting years from VFW Post 8832 Ladies Auxiliary, Roundhead.

Once again, congratulations on your anniversary and please keep up the great work.

Sincerely,

MICHAEL G. OXLEY, M.C.
Fourth Ohio District.

FANNIE MAE—TRILLION DOLLAR COMMITMENT

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. SABO. Mr. Speaker, this week, Fannie Mae celebrates the fourth anniversary of its Trillion Dollar Commitment. I rise before you today to congratulate Fannie Mae CEO Jim Johnson and all of Fannie Mae's employees and local partners on the tremendous impact they have had on expanding home ownership opportunities in Minnesota and the nation.

Since March 1994, Fannie Mae has helped 5.6 million families through this targeted effort. Sixty-eight percent of Fannie Mae's business served families most in need—minorities, new immigrants, residents of central cities and underserved areas, first-time home buyers and people with special housing needs.

I have seen firsthand the impact of this commitment in Minneapolis and the Twin Cities metropolitan area. Fannie Mae's Minnesota Partnership Office piloted a highly successful low downpayment mortgage, known as the "Minnesota Flex," which is now offered in many communities nationwide. This mortgage product helps first-time homebuyers overcome one of the major obstacles to homeownership—saving for a downpayment. Last year, Fannie Maie also launched a rehab effort in Northeast Minneapolis, which is helping to revitalize that community.

Nationally, Fannie Mae is transforming the housing finance system by removing barriers to homeownership and increasing the supply of affordable housing. In short, Fannie Mae's commitment is making a tangible impact on communities and improving the quality of life for homebuyers as well as renters.

I commend Fannie Mae and its local partners on a job well done and wish them further success in expanding home ownership and affordable housing opportunities in the coming years. I would also like to read the attached letter from the Mayor of Minneapolis in support of Fannie Mae's efforts.

OFFICE OF THE MAYOR,
Minneapolis, MN, March 4, 1998.

Mr. JAMES A. JOHNSON,
Chairman, Fannie Mae,
Washington, DC.

DEAR JIM: I want to extend my sincere congratulations to you and all of Fannie Mae on your upcoming fourth anniversary of the Trillion Dollar Commitment. It has been delightful to partner with Fannie Mae as you strive to reach your goal of serving the housing needs of underserved populations.

The City of Minneapolis has benefited from Fannie Mae's commitment in many ways. The work of the Partnership Office in finding creative solutions for our community's needs has been a critical component for our housing programs.

The new townhouse River Station development project would not have moved forward without Fannie Mae's American Communities Fund. Homeownership opportunities will be available for 360 families in Minneapolis' riverfront area.

The Section 8 homeownership demonstration project secured HUD approval once Fannie Mae committed $4 million as an underwriting experiment to fund the mortgages.

Northeast Minneapolis received special funding under your innovative HomeStyle rehab initiative. The entire City is benefiting from your outreach efforts through HomeStyle.

By credit enhancing and purchasing our mortgage revenue bonds, first-time homebuyers achieved lower interest rates.

Your new Neighborhood Partners initiative in the Phillips, Powderhorn, and Central neighborhoods will be a huge boost to revitalizing these underserved areas.

I look forward to continuing our partnership as we explore ways to help even more Minneapolis residents achieve homeownership and affordable housing.

Sincerely,

SHARON SAYLES BELTON,
Mayor, City of Minneapolis.

IN HONOR OF HERIBERTO CRUZ

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to pay tribute to one of Puerto Rico's greatest athletes and role models, Heriberto Cruz. Mr. Cruz is a shining example of someone who has developed his talents to the fullest and has given back to the community tenfold. We can all be inspired by his example.

Mr. Cruz, now living in Brooklyn, New York, was born in Puerto Rico. Starting at a young age, he excelled in track and field events and quickly became a star. As a student at the University of Puerto Rico, he was the only athlete in the history of intercollegiate games in Puerto Rico to win the Best Athlete award 4 years in a row. Also, while at school, he participated and excelled at a number of international competitions, such as the Central American Games, the Pan American Games, and even the 1964 Olympics in Tokyo. Mr. Cruz received recognition for his many accomplishments when he was inducted into the Puerto Rican Sports Hall of Fame in 1991.

Mr. Cruz's success off the track matches his success on the track. Since retiring from the sport, Mr. Cruz has become a teacher and a marvellous example for the youth of Brooklyn, applying the same lessons he learned on the track to everyday life. His example teaches kids always to strive, to work hard and play fair to succeed in life.

I urge my colleagues to recognize Mr. Cruz's excellence both on and off the field and join me in paying tribute to this excellent athlete and role model.

HONORING PASTOR AND MRS. EDDIE McDONALD, SR.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. KILDEE. Mr. Speaker, it is truly an honor to rise before you today to recognize the lifetime achievements of Pastor Eddie A. McDonald, Sr. and his wife, Mary, as they celebrate their 30th anniversary at Friendship Missionary Baptist Church in Pontiac, Michigan. On Saturday, March 14, members of the Friendship family and the Pontiac community will honor Pastor and Mrs. McDonald for their service to our Lord.

The McDonald's joined the family of Friendship Missionary Baptist Church on March 28, 1968. They have been instrumental in the expansion of the congregation and the mission of the church. For 30 years, Reverend and Mrs. McDonald have provided sound leadership and spiritual guidance not only to their congregation, but to anyone in need.

Five years ago, I stood before my colleagues, as I do today, speaking of the valuable resource the citizens of Pontiac have in Pastor and Mrs. McDonald. The missions they have undertaken and the vision they possess have enabled them to forge relationships with many diverse groups.

The McDonald's influence extends throughout the community. They are affiliated with a number of professional and charitable organizations including the Pontiac Ecumenical Ministry, Pontiac Citizen's Coalition, Lighthouse and the Pontiac Youth Assistance Program. Pastor McDonald has also served as president of the Oakland County Ministerial Fellowship. Not limiting their good deeds to the State of Michigan, the McDonald's have been instrumental in food and clothing drives benefitting needy individuals throughout the country.

Mr. Speaker, once again I am very proud to acknowledge and commend the efforts of my constituents and dear friends, Pastor and Mrs. Eddie A. McDonald Sr. They are an inspiration to us all and I am proud to represent them in the Congress.

THE 42D ANNIVERSARY OF TUNISIAN INDEPENDENCE

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. RAHALL. Mr. Speaker, I rise to acknowledge the anniversary of the 42nd year of Independence for the Republic of Tunisia, to be celebrated on March 20, 1998.

Legend has it that more than 200 years ago, Tunis, as token of esteem and friendship, sent one of its finest stallions to U.S. President George Washington. Unfortunately, customs officials in the nascent republic denied entry to the horse, which spent its remaining days in the Port of Baltimore.

After this somewhat rocky start, I am pleased to note that U.S.-Tunisian relations have improved considerably. Tunisia is about to celebrate its 42nd anniversary of the establishment of the Republic of Tunisia as an independent country, a time during which Tunisia has enjoyed a strong and healthy relationship with the United States.

I congratulate Tunisia for its many accomplishments, not the least of which is to have established a more democratic system of government, making every effort to broaden political debate, including passage of an electoral law that reserved 19 seats of the National assembly for members of opposition political parties.

Tunisia has a very impressive economic record, having turned to economic programs designed to privatize state owned companies and to reform the banking and financial sectors over the last decade.

As a result Tunisia's economy has grown at an average rate of 4.65 percent just in the last three years, and its economic success has had a beneficial impact on Tunisia's international standing. Tunisia is one of the few countries to graduate successfully from development assistance and to join the developed world.

Tunisia has also become a moderating force in the Middle East peace process, taking an active role within the international community in fighting terrorism.

This may not seem so important until you consider that Tunisia's only two neighbors are Algeria which has been racked by civil strife for several years, and Libya, whose dictator has supported the most nefarious and subversive kinds of terrorism.

Tunisia may not live in a good, friendly neighborhood, but they are good neighbors to the United States, maintaining internal stability in the face of external chaos.

With increasing strong ties between us, the American people congratulate the people of Tunisia on this historic occasion, and I encourage my colleagues to do the same.

A TRIBUTE TO DOROTHY KOHLARS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the remarkable and memorable life of Dorothy Kohlars, perhaps the oldest living veteran alive today at the young age of 102½ years. Dorothy, a resident of the Veterans Home of California in Barstow, was recently inducted into the Mojave Desert Chapter of the Retired Officers Association.

Dorothy Kohlars was born on August 22, 1895 in Hanover, Massachusetts. She joined the Army Nurse Corps in 1918 and enlisted for a second time in 1920 serving for approximately 3½ years all together. As an Army nurse in World War I, Dorothy was one of about 200 nurses working at an allied forces hospital in France during the Meuse-Argonne Offensive in 1918. She worked as a bandage nurse and spent much of her time applying dressings to wounded soldiers. At that point in time, nurses were not commissioned and did not have a military rank. Barbara Churchill,

who served as a Navy nurse in World War II, said that Dorothy Kohlars paved the way for nurses. "There was a dire need for nurses back then and women like Dorothy filled that need," Churchill said.

The Retired Officers Association is a national group of retired military commissioned and warrant officers. Saul Rosenthal, TROA's liaison, said his organization read about Kohlars in the local newspaper and its membership felt it appropriate to name her as an honorary member. "I think it's wonderful for them to think of me this way," Kohlars said. "That was another time. It seems so long ago."

Dorothy was married in 1932 and worked as a nurse until 1943. Today, she enjoys visiting with friends, and listening to music, talking books, and to the news on Braille talking records.

Mr. Speaker, please join me and our colleagues in recognizing the incredible lifetime contributions and achievements of this remarkable woman. Dorothy Kohlars is a living national treasure and it is only fitting that the House of Representatives pay tribute to her today.

TRIBUTE TO THE CHRISTIAN CARING CENTER

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. SAXTON. Mr. Speaker, it is a privilege for me to recognize and honor the Christian Caring Center-Pemberton, Inc. for their 15 years of service to the community.

At its inception, emergency food and clothing were distributed from a 20 x 40 foot building one day per week. Remaining there for nine years, 40 to 50 families per day were served with life's necessities.

Today, in a larger facility, nine programs are administered by the caring employees and volunteers. These include emergency food and clothing, thrift store, information and referrals to social service agencies and churches, community lunch/rural homeless program, Bible hour worship services and job training among others.

The families who have been assisted by the dedicated volunteers of this worthy organization are too numerous to be counted.

On April 19, 1998, these volunteers will be honored with a celebration dinner. It is these devoted individuals, especially, to whom I pay tribute. Their caring and commitment to those in need is worthy of the highest praise and honor.

They have the gratitude of the community for their efforts in behalf of the less fortunate.

HONORING THE EAST SUBURBAN YMCA CAMPAIGN

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. KLINK. Mr. Speaker, I rise today in recognition of the East Suburban YMCA of Pittsburgh and the contributions of the men and women who helped to expand this wonderful community institution. On March 22, 1998, they will be holding their Grand Re-Opening Celebration. The East Suburban YMCA has always provided opportunities for people to grow in mind, body and spirit and thanks to their most recent campaign, will continue to serve the community for many years to come.

The initial planning for the East Suburban YMCA was done in 1962 and it has remained a presence in the area for over 30 years. The YMCA strives to develop character and leadership through its programs and applies Christian values and principles to all relationships. The East Suburban YMCA serves men, women, boys and girls in the area through a wide variety of programs and facilities. Thanks to the efforts of numerous volunteers and supporters, the YMCA has touched the lives of many people in the community.

I would like to especially salute the group of dedicated individuals who made the East Suburban YMCA Campaign and the upcoming Grand Re-Opening possible. Allow me to first thank the Chairs of the Campaign, A. Richard Kacin and Myles D. Sampson. Their leadership meant so much to the effort. There were also many campaign workers and local donors that I would like to applaud: Claudia Abbondanti, John Beale, Gus Bondi, Lynne Bryan, Jim Cimino, Tim DeBiasse, David Dubois, Eddie Edwards, Julius Jones, Alvin Kacin, Ann Klingler, Bud Kuhn, Carol Morris, Eric Lytle, Anthony M. Brusca Jr., State Representative Joseph F. Markosek, Mike McIntyre, Carolyn S. Mento, Mary Anne Norbeck, Margaret Osbourne, Pete Raspanti, Ben Sampson, David Vick, Charles Turner, David Yunov, and the late Jack Cummings. In addition to these fine examples of devoted and committed citizens, I would like to recognize the East Suburban YMCA Board of Management for their strong support of the campaign. The board members are Barbara Agostine, Kathleen Ballina, Dennis D. Dansak, Paul Dern, James End, Clyde Gallagher, Jeff Herbst, Chuck Leyh, Cheryl Lydiard, Gary Miller, Tony Naret, Lynn Papso, Jeffrey Russo, Joe Sciullo, Steve Sebastian, Carol Siefken, Dan Taucher, and Annette Testa-Young. Additionally, I would like to recognize the YMCA staff, Paul Gelles, James Kapsalis, James Rumbaugh, Bud and Jo Sickler, State Representative Terry Van Horne, and the Honorable Paul Zavarella.

Mr. Speaker, I again want to applaud all of these people for their devotion to the East Suburban YMCA Campaign. I ask my colleagues to join me in recognizing their efforts to improve and build upon the great legacy of service that the YMCA stands for.

OHIO HUNGER TOUR TRIP REPORT

HON. TONY P. HALL

OF OHIO

HON. DEBORAH PRYCE

OF OHIO

HON. ROBERT W. NEY

OF OHIO

HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. HALL of Ohio. Mr. Speaker, we commend to our colleagues' attention the following report from a March 2–3, 1998 "hunger tour" of central and southeastern Ohio, in which we participated. The purpose of the trip was to investigate reports of increasing demand for emergency food at Ohio's food banks, pantries, and soup kitchens. We were surprised by what we found. Despite Ohio's strong economy, significant numbers of working poor and senior citizens are having great difficulty making ends meet, and are turning to charities to obtain adequate food. We encourage our colleagues to consider a similar tour in their own communities, to get a close-up view of the changing face of hunger, and the challenges facing the working poor and senior citizens in particular.

INTRODUCTION

Despite a booming economy, record low unemployment, a balanced federal budget, and unprecedented surpluses in many state coffers, there is mounting evidence of worsening hunger among the poorest Americans.

For more than a year now, foodbanks, pantries, and soup kitchens across Ohio and around the country have reported sharp increases in demand for emergency food, which are outstripping the charitable sector's capacity to respond to growing needs. A December, 1997 report by the U.S. Conference of Mayors found that demand for food relief was up by 16%. In January, 1998, my own informal survey of 200 of the nation's foodbanks revealed even sharper increases in hunger relief needs in many parts of the country. A September 1997 report by the U.S. Department of Agriculture found that in the Dayton area, one in eight people seek emergency food assistance every month.

To investigate such reports, and better understand the nature of this trend, I conducted a fact-finding mission to feeding programs in urban and rural Ohio communities from March 2–3, 1998. I was joined by my colleagues Representative DEBORAH PRYCE (OH–15th), Representative BOB NEY (OH–18th), Representative TED STRICKLAND (OH–6th) at site visits located in their districts. Ohio Senator MIKE DEWINE also was represented by an aide who accompanied the delegation for a full day.

Non-profit groups who supported the trip included the Ohio Association of Second Harvest Foodbanks, the Ohio Food Policy & Anti-Poverty Action Center, and the Council for Economic Opportunities in Greater Cleveland, as well as individual foodbanks, pantries, and soup kitchens who hosted the delegation at stops in Columbus, Zanesville, Logan, MacArthur, and Dayton.

FINDINGS

What we saw and heard in the communities we visited strongly confirmed several emerging trends reported by foodbanks across Ohio and around the country:

Working people account for a large share of the increase in demand for emergency food, specifically people in low-wage and part-time jobs that offer few benefits and do not cover the cost of basic needs, including food.

Ohio is attempting to move over 148,000 households containing 386,239 persons from welfare to work over the next three years. The latest national data for December 1997 found that Ohio's twelve month growth in employment since December 1996 was 52,800 jobs, a slow growth rate of 1.0%. During the same period, Ohio lost 3,900 manufacturing jobs. New job growth has been in service sector employment, which generally paying minimum or just above minimum wage with few or no medical benefits. Despite a robust economy and an abundance of low-wage jobs in Columbus and other urban centers, significant pockets of joblessness and high unemployment persist in the more economically depressed parts of the state's Appalachian region.

The delegation visited the Southeastern Ohio Foodbank, which provides food to local charities in one of the poorest and most economically depressed areas of the state. In three of the nine counties served by that foodbank, between 40% and 50% of the people requesting emergency food were working full or part-time. In Meigs county, more than half of the people seeking emergency food assistance were working.

Not one person we spoke with did not want to work, and all expressed their shame and frustration at having to resort to foodbanks to put food on the table at the end of the month. One woman explained: "My children get excited to see food coming into the house—kids should get excited about toys, and circuses, and special treats, not the food we need to feed our family." According to the pantry director in MacArthur, Ohio, a rare job opening for a clerking position at a video store recently drew more than 100 applicants. Highest on that pantry's wish list were buses to transport people to minimum-wage jobs in Columbus.

At the Franklinton Food Pantry, the largest pantry in Franklin County, where more than 11,000 people seek food assistance each month, over 60% of all households in the community have incomes below $15,000 per year (well below the $16,050 poverty line for a family of four). A visit to the home of one food pantry client belied the common stereotype that people seeking charitable assistance are lazy freeloaders. Here was a couple with strong faith and family values, struggling to keep their family of seven together. Like many Ohio working families, for these people the pantry is no longer an emergency food source, but a regular part of their monthly coping and budgeting process to keep their family from going hungry. Their net income of $600 every two weeks barely affords a food budget of $100 a week, which must stretch to feed five teenagers (two of them taken in from a troubled family member). Their coping mechanisms include purchasing low-cost food, limiting the types of food they consume, and once a month getting food from the local food pantry, which helps feed the family "between pay checks." Such families have no cushion against unexpected expenses, such as major car repairs, illnesses, or high heating bills in unusually cold months.

Elderly people on fixed incomes are resorting to food pantries and soup kitchens in growing numbers. They frequently cite the cost of medical care and prescriptions as competing with their limited food budgets.

At various stops on the tour, we repeatedly heard about the dilemma seniors face when their monthly Social Security checks are eaten up by medical fees and prescriptions, leaving little money for food. As we approached a MacArthur, Ohio food pantry, we observed a line of nearly 1,200 people, mostly senior citizens, waiting along the road to receive a box of food. Inside the pantry, clergy and church volunteers serving this crowd described deplorable living conditions—run-down shacks with no heat or running water, dilapidated trailers with holes in the floor, even chicken coops and buses. We repeatedly heard that their pride and the stigma of accepting charity keep many seniors from asking for help until their situation is truly desperate. As one nun told us, "we know we are really in trouble when the elderly start showing up at pantries in large numbers."

Part of the "traditional" clientele at food pantries and soup kitchens are those for whom hunger is a symptom of deeper problems—illiteracy, a lack of education, a history of substance or domestic abuse, mental illness, or homelessness. It will be difficult if not impossible for many of these individuals to compete in the job market without intensive rehabilitation, and some of them may never be able to hold jobs.

Everyone who has ever volunteered at a soup kitchen knows these faces—people who may never have been able to hold a job, and are not counted in unemployment data because they are unemployable or have given up trying to find work. This described many of the people we met at the Zanesville soup kitchen we visited—people who have "failed to thrive" and live life on the margins for one reason or another. As one volunteer put it, "with the right kind of help, some of these people may be able to pull themselves up by their boot straps, but a lot of them never had boots to begin with." And, in the words of a food pantry director, "I am tired of selectively talking about the types of clients we serve, so that people will care. Some of these people are plain old poor folks, who've had a hard time getting it together for whatever reason. But they still need to eat."

Churches and charitable food assistance agencies are doing their best to rise to the challenge of growing demands, but their capacity is overwhelmed by the increased need they are now facing.

In attempts to meet increased needs, every church group and private charity we spoke with had stepped up efforts to raise additional funds through church collections, food drives, pie sales, and appeals to businesses and other donors. Yet, in many cases pantries report having to reduce the amount of food they distribute, or turn people away for lack of food. A Zanesville soup kitchen reported taking out a bank loan for the first time ever last year, to cover operating costs. Within the last year the number of food relief agencies serving the hungry in Ohio reportedly declined by 23% as many closed or consolidated with other operations.

CONCLUSIONS

Our limited sampling of sites serving hungry people, and discussions with charitable food providers, state officials, and advocacy groups, provided only a snapshot of the conditions that are underlying the increases in requests for relief that foodbanks, soup kitchens and pantries are reporting. Yet it confirmed to us, in clear and human terms, disturbing evidence that more of our citizens than ever are vulnerable to hunger, despite a robust economy.

As states work to replace the federal welfare system with structures of their own, the number of people turning to food banks for emergency assistance is growing. New strategies are being tried, many with success, and they need to be encouraged. Food banks have been doing the hard work on the front lines of fighting hunger for decades. They are supported by their communities, and they are the organizations that increasing numbers of citizens turn to for help. But to ensure that Americans who turn to food banks for help do not go hungry, food banks need additional support.

They need the goodwill and charitable contributions of their community, and the participation of more individuals and businesses.

They need public and private initiatives that complement their efforts and address the root causes of hunger and poverty.

They need jobs that pay a living wage and laws that encourage generosity and charitable giving.

And they cannot do without the significant support of federal funds and federal commodity foods.

The job of the federal government was not finished when the welfare reform bill was enacted. Congress and the Administration have a responsibility to monitor what the states are doing, to measure how the poor are faring, and to make adjustments as necessary as problems arise.

Even as we give policy reforms a chance to work and aggressively attack the underlying problems that make people vulnerable to hunger, we cannot stand by and watch growing numbers of Americans go hungry. If, as the evidence suggests, increasing numbers of people are so hungry they're willing to stand in line for food, we cannot rest knowing that, too often, there is no food at the end of that line.

HONORING GENERAL RAYMOND G. DAVIS

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. COLLINS. Mr. Speaker, I rise today to congratulate the American Legion on the occasion of the 79th Anniversary of its founding and to pay homage to General Raymond G. Davis, Medal of Honor recipient and retired

Assistant Commandant of the United States Marine Corps. I recently had the honor of introducing General Davis as theote speaker at the recent birthday celebration of the Clayton County American Post 258. I enter those remarks in the CONGRESSIONAL RECORD in honor of the American Legion and General Ray Davis.

THE HONORABLE MAC COLLINS 79TH ANNIVERSARY OF THE AMERICAN LEGION CLAYTON COUNTY AMERICAN LEGION POST 258, MARCH 13, 1998, JONESBORO, GEORGIA

Good evening. It is a real pleasure to be with so many friends here tonight. Thank you Lamar Miller for your kind introductory remarks and for giving me the honor of introducing General Ray Davis, our distinguished speaker this evening. I also want to recognize Clayton County Sheriff Stanley Tuggle, State Representative Greg Hecht, and State Representative Frank Bailey and his wife, Frances. I have known and respected Frank for many years. He is a friend and does a fine job for the people of Clayton County in the Georgia House of Representatives.

And, I want to recognize Mr. James Hugh Lindsey. I had the pleasure of first meeting Mr. Lindsey at a celebration arranged by Mr. Miller on the occasion of his 101st birthday. Mr. Lindsey recently celebrated his 102nd birthday, and I know everyone here this evening joins with me in wishing him many more to come.

We are here tonight to celebrate and honor the 79th anniversary of the founding of the American Legion. When Mr. Miller told me tonight's dinner was being held to celebrate the founding of the American Legion, I wanted to learn more about the rich history of your organization.

It all began in March 1919 when members of the American Expeditionary Force in Europe held the first caucus in Paris and created an organization for those who have served their country. The official name for the Legion was adopted in May 1919 at a caucus meeting in St. Louis. In September 1919, the organization was officially chartered by the United States Congress. And, in November 1919, the Legion held its first annual convention in Minneapolis where its members adopted the organization's constitution and set its future course.

From that handful of soldiers in Paris and the founding members at the first convention in Minneapolis, the American Legion today has grown to over 2.9 million members. The programs you sponsor and support touch the lives of so many of your fellow citizens. You are helping to mold the hearts and minds of our nation's youth with your work with the Boy Scouts of America, your sponsorship of Boys State and Boys Nation, American Legion Baseball, your educational scholarship programs, the Child Welfare Foundation, your Children and Youth Programs and many, many more.

Through your Citizens Flag Alliance, the Legion is working to "protect our history, our pride, our honor and our flag." And, the American Legion provides valuable input to Congress in writing and passing laws that protect our national security and enhance the lives of all who have served their country. As a Member of Congress, I thank you and your fellow Legionnaires for all that you have given, and continue to give, to your nation.

While I could continue speaking on the wonderful history of the Legion, it is my honor to introduce your keynote speaker who, I believe, best represents the ideals on which the American Legion was founded and for which it stands today. Raymond G. Davis is a son of Georgia. He was born on January 13, 1915 in Fitzgerald, the son of Zelma and Raymond Roy Davis. Following his 1938 graduation from Georgia School of Technology with Honors, Ray Davis began a 33-year career with the United States Marine Corps as a second lieutenant.

During that distinguished career, Ray Davis rose from the rank of second lieutenant to become a four-star general and Assistant Commandant of the Marine Corps. While General Davis may be best known as a recipient of the Medal of Honor while serving as a Battalion Commander during the Korean War, he first saw action in some of the most brutal fighting of World War II. He was part of the Marine forces that participated in the capture and defense of Guadalcanal and the Eastern New Guinea and Cape Gloucester campaigns.

While commanding the 1st Marine Division of the 1st Battalion in September of 1944, then Major Davis was wounded during the first hour of the landing operations. He refused to leave his men and continued to direct the Battalion in establishing defense positions and gaining control of the island. For his actions, Major Davis was awarded the Purple Heart and the Navy Cross.

As a Lieutenant Colonel in Korea from 1950 to 1951, General Davis earned the nation's highest decoration for heroism during the 1st Marine Division's historic fight to break out of the Chosin Reservoir Area. Against overwhelming odds, he led his Battalion in a four-day battle which saved a Marine rifle company and opened a mountain pass for the escape of two trapped Marine regiments. President Harry Truman presented Colonel Davis with the Medal of Honor in ceremonies at the White House on November 24, 1952.

In 1968, then Major General Ray Davis was named Deputy Commanding General of forces in his third and final conflict—the Vietnam War. During that tour, General Davis was awarded the Distinguished Service Medal—the first of two such medals he received. In 1971, General Davis was nominated by the President and confirmed by the United States Senate as the Assistant Commandant of the United States Marine Corps. He served in this position until his retirement in 1972.

In addition to the Medal of Honor, two Distinguished Service Medals, the Navy Cross and Purple Heart, General Davis was awarded two Silver Stars, two Legions of Merit, six Bronze Stars and many other awards from allied governments. Additionally, the forces in which he served received five Presidential Unit Citations, three Navy Unit Commendations and 15 Battle Stars.

After 33 years of traveling the world, seeing action in three wars and serving as one of the nation's highest military officers, Ray Davis could have settled into a comfortable retirement on his farm here in Georgia. But this was not the way for Ray Davis—a man of life-long action and deep commitment to serving others.

Let me quote General Davis on leaving the Marines: "As for retirement being difficult, I had an ideal transition in that I was retired from the Corps at 10 o'clock in the morning in Washington, and I was in my Atlanta office at 2 o'clock that afternoon in charge of the whole state of the Georgia Chamber of Commerce." Ray Davis had returned home as Executive Vice President for one of the premier business organizations in Georgia.

General Davis went on to lead the Georgia Chamber through an exciting time of growth in our state. He later left the Chamber to become President of RGMW, a family-owned land development corporation. General Davis also gave time to activities that are close to his heart. He has served as a trustee in the Valley Forge Military Academy, Chairman of the Trustees for the Marine Military Academy and on the Board of Visitors for Berry College. He was appointed by President Ronald Reagan to the Korean War Veterans Memorial Advisory Board and he is active in many Marine Corps organizations.

Today, General Davis and his wife of over 50 years, Knox, live in Rockdale County. They enjoy traveling and staying active in the many organizations in which General Davis still serves. They also enjoy having more time for their three children, Raymond Jr., Gordon and Willa, and their grandchildren. Tonight I have touched on the highlights of the extraordinary life and career of General Davis. For more details on this incredible man, I would encourage you to read "The Story of Ray Davis." In fact, we may be able to prevail on the General to autograph copies of his book this evening.

In closing, I want to leave you with a quote from Army General Creighton W. Abrams Jr., commander of U.S. forces in Vietnam, to Marine Commandant General Leonard F. Chapman Jr. General Abrams said of Ray Davis, ". . . of the 50 or so division commanders I have known in Vietnam, General Davis has no peer. He's the best."

Ray Davis truly does represent the best of American society—soldier, scholar, a man of deeply held beliefs and commitments, and a devoted husband and father. Words cannot express how proud and honored I am to know General Ray Davis. Ladies and gentlemen, I give you a true American hero—General Raymond G. Davis.

IN OPPOSITION TO VIOLENCE AGAINST WOMEN—MARKING INTERNATIONAL WOMEN'S DAY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. LANTOS. Mr. Speaker, I rise today to express my abhorrence to all forms of violence against women and to speak out in support of International Women's Day. With many of our colleagues here in this body, I have worked to foster respect for civil rights here at home and human rights abroad.

In connection with the celebration of International Women's Day, Mr. Speaker, I want to call to the attention of my colleagues those justice seekers who are beginning to expose the roots of injustice, who are bringing to our attention human beings denied their uniqueness and their personhood. Our task as advocates for human rights is not only to continue the pursuit of justice, but also to realize that as we make progress, we must release ourselves from ignorance and biases that allow us to overlook some atrocities but not others. In this regard, Mr. Speaker, we must affirm that the rights of women are the rights of all individuals. I add my voice to that of the United Nations' World Conference on Human Rights in Vienna, 1993, which proclaims, "Women's rights are human rights."

Unfortunately, Mr. Speaker, women face a triple threat to their human rights. They are

victimized by the construction of gender in their society. They are victimized by gender-based violence. And they are discriminated against by the structures of justice. Today, we must take action by properly addressing human rights violations against women. We must recognize gender-based violence in its various forms, and we must recognize these violent acts as human rights violations including, among others, sexual trafficking, economic discrimination, female genital mutilation, domestic violence, and rape.

These crimes against humanity are compounded by many victims' justifiable fear that their suffering will be disclaimed, that their suffering will be thrown out as invalid. Human rights violations against women are under-reported and under-emphasized. We must be certain, Mr. Speaker, that violence against women is no longer silenced.

One of the most repugnant ways in which gender-based constructs discriminate against women, Mr. Speaker, is the trafficking of women and girls. They are reduced to mere economic sexual value to be sold and bartered. In the disturbing realm of sexual trafficking, women are forced into prostitution and coerced into marriage; they are often sold into bondage, where they are tortured and face degrading treatment as well as sexually transmitted diseases. Trafficking in women occurs across some well-patrolled international borders, and it is no coincidence that in many countries the institutions of justice, including the police, condone and profit from the trade in women.

In Thailand, there is a flourishing trade in Burmese women and girls; in India, the same trafficking occurs with Nepali women and girls. Bangladeshi women are lured to Pakistan by promises of a better life or abducted from their homes; they are then sold in clandestine settings to brothels were pimps threaten them with their illegal immigrant status and then denounce them for having sex outside of marriage.

Mr. Speaker, women are often subjected to gender-based economic discrimination and degradation because some states fail to recognize them as individuals outside of their material value. Economic discrimination against women makes them particularly vulnerable to harassment and abuse. Women are now increasingly important to the economies of most countries, but at the same time, many countries neglect women's rights as laborers. Women in the workplace are exploited and abused in a number of ways relating specifically to their sex.

As the majority of workers in the Maquiladoras, the export-processing factories along the U.S.-Mexico border, women must engage in a gender-specific fight to gain equal protection in the labor market. Most women who work in Maquiladoras do so because they are less well-educated and lack opportunities to gain necessary qualifications for other jobs. As a condition of employment, women applicants are routinely required to give urine samples for pregnancy tests. If a worker becomes pregnant and this is discovered by her boss, she is frequently forced to resign. Female workers may be harassed and mistreated, given more physically difficult tasks, and often forced to stand while working.

Furthermore, when a Mexican woman is a victim of sex discrimination, she has few avenues of legal redress. The Mexican justice system fails to protect women's reproductive health. The economic disincentive of regulating the manufacturing sector, which is the excuse given for failing to take action to protect women, is a poor excuse for failing to act.

Sexual discrimination in the workplace is reinforced by the lack of economic opportunity for women in many countries. Fear of losing a job reinforces a woman's inability to seek redress of her grievances. These acts of abuse are intolerable as women are forced into an outrageous choice between their legitimate human rights and their jobs.

In time of war or periods of social unrest, Mr. Speaker, violence toward women is intensified. As a Co-Chair of the Congressional Human Rights Caucus, I stepped forward with the horrifying story of the treatment of women and children in Uganda during the recent conflict there. Girls and women in Uganda are traded back and forth, bartered as wives. Their allocation is part of a dehumanizing reward system for male soldiers. This crime addresses a theme of ownership which precludes women's sexual rights and brings to light the brutalization of Ugandan women. Rape within "marriage" is not construed as a crime in Uganda, or for that matter, in many countries which consistently violate women's rights. When intra-marriage rape is condoned within a society, this neglect is one of several factors leading to a normalization of domestic violence.

Sexual discrimination and power are especially apparent in Uganda as girls who are forcibly married are required to cook for the soldiers as they are on the move and are severely beaten or killed should they not cook quickly enough. Both girls and boys are forced to kill other children who have not performed their tasks to a sufficient level. Captive boys are often forced to sleep with captive girls, and this sexual indoctrination has terrible ramifications for future sexual violence. The nightmare in Uganda demonstrates the importance of taking into account the sexual specificity of violence. We should recognize how sexual violence harms both girls and boys, women and men.

Mr. Speaker, one of the most horrible examples of gender-based violence against women and children is female genital mutilation (FGM). FGM refers to either the removal of certain parts of the female genitalia or all of it. FGM is a crime against humanity—it violates a woman's fundamental right to a healthy life. Nearly 135 million girls and women around the world have undergone FGM, and it continues at an astounding rate of approximately 6,000 incidents per day. It is practiced extensively in Africa, in the Middle East, and among many immigrant communities in parts of Asia and the Pacific.

FGM is an extremely painful and even dangerous procedure which scars women both physically and mentally for life. FGM is an example of how violence is connected to gender determination as a woman is often considered "incomplete" lest she undergo FGM. A woman is not treated as a specific individual, rather she is a sexual being whose sexuality, sexual appetite, and reproductive functions are supposedly controlled and limited through FGM. In the case of FGM, we are forced to deal with brutal cultural discrimination against women. Women who have undergone FGM have publicly come forward to present their stories of humiliation and pain.

Crimes specific to women, Mr. Speaker, often revolve around religious and cultural justifications that seem inevitable to discriminate against the female gender rather than the male. In Afghanistan, which has endured 18 years of armed conflict, we are witnessing a tragic situation in which thousands of women are literally prohibited from leaving their homes. They must be "invisible;" they are denied their humanity. Women are forced to wear a robe which completely covers their bodies, the *burqa* robe. Should women expose their ankles, they are accused of violating the Taliban, the interpretation of the Shari's (Islamic law) based upon the teaching of Islamic schools in Pakistan. The restrictions upon Afghani women are a shocking violation of human rights based upon culturally determined ideas of gender.

Mr. Speaker, we must not become desensitized to violence against women. It is the responsibility of every state to preserve the human rights of women and to protect them against violence. Violence against women is not a private matter. In far too many countries—unfortunately, including our own—it is a structural and system-wide violation of human rights of women. States that do not prevent and punish crimes of domestic violence are as guilty as the perpetrators of that violence. Inaction against domestic violence reinforces the denial of basic human rights.

Domestic or family violence is a commonplace occurrence in nearly every country in the world, and battered women are isolated from national systems of justice, as well as from community and family. Intimate partners are prosecuted less harshly than those who victimize strangers, and this pattern of neglect for women's rights is evident in many corners of the world. In Brazil, some courts still exonerate men accused of domestic violence if they acted "to defend their honor." South African justice officers do not wish to be involved in domestic violence; they consider it a "private" affair. Not only are women subjected to acts of violence, but they are also subjected to judicial establishments which systematically are involved in gender-specific violation of human rights.

Mr. Speaker, the harmful perceptions of domestic violence are magnified in the case of rape. Rape is widely portrayed as an individual act and a private crime of honor, not as the political use of violence. Since World War II, however, human rights organizations estimate that there have been one million women raped during wars. Rape in war has been obscured from public view by our assumptions about the hyper masculine nature of soldiering and of rape as a crime of sex rather than a crime of violence.

This past week, Dragoljub Kunarac, a former Bosnian Serb paramilitary commander, confessed that he had raped Muslim women in an international legal process before the Yugoslav war crimes tribunal in The Hague. He is the first individual to plead guilty to rape as a war crime. The Hague is the first court

of its kind to specifically list rape and other sexual offenses as war crimes. The international women's movement has seldom been so effective in alerting the world to crimes against women as it has been in calling to international attention the brutal use of rape during the armed conflict in Bosnia.

Rape is an especially under-reported and minimized assault on women. It is "the least condemned war crime; throughout history, the rape of hundreds of thousands of women and children in all regions of the world has been a bitter reality," according to the UN Special Rapporteur of Violence Against Women. We must not cease our efforts to identify gender-specific violence against women in such situations.

Rape has been used to brutalize, to dehumanize, and to humiliate civilian populations on ethnic, national, political, and religious grounds. Sexual violence was defined by many analysts as a genocidal act in the Yugoslavian conflict because it was perpetrated primarily by Bosnian-Serbs as a weapon in their effort to drive out the Muslim population. Some Muslims were told while being raped that they would bear Serbian children.

During the 1994 genocide in Africa, Hutu militia in Rawanda subjected the Tutsi minority women to gender-based violence on a mass scale as they raped and sexually assaulted hundreds of thousands of women. In another instance of human rights violation, Pakistani soldiers committed ethnically-motivated mass rapes during the Bangladesh war for independence.

It is an outrage that rape is still categorized by many as a crime of honor and property as opposed to a crime against personal physical integrity. This misconception adds to the false notion that rape is a "lesser" crime in comparison to torture. Women are denied their individual humanity and instead perceived by the aggressor as a symbol of the enemy community that can be humiliated, violated, and eradicated.

This year we will celebrate the 50th anniversary of the Universal Declaration of Human Rights (UDHR), but we should not overlook the fact that the human rights of women were not specifically affirmed by the United Nations until 1993. Before this time, the gender-specific nature of many of the crimes against women were often ignored.

By recognizing that violence is often specific to gender and by acknowledging the ways in which violence relates to our conceptions of gender, we can illuminate the barriers that we must transcend to achieve equal rights for women. The pervasive forms of violence that are normalized and trivialized by culture and society must not be tolerated as we affirm the human rights of women on this International Day of Women.

Mr. Speaker, the rights of all humans are unalienable rights. We must stand firm in our belief that all—women, as well as men—have an individual right to dignity and that our own rights are not assured unless the human rights of all others on this planet are secure. I urge my colleagues to join me in this fight for human rights for all women.

I commend to my colleagues the words of Pastor Martin Niemoeller, who endured the horrors of Nazi Germany: "In Germany they came first for the Communists, and I didn't speak up because I wasn't a Communist. Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics, and I didn't speak up because I was a Protestant. Then they came for me, and by that time no one was left to speak up."

Mr. Speaker, the violation of the human rights of any woman is the violation of the rights of all of us. As we mark International Women's Day, we must recommit overselves to that struggle.

INTRODUCING THE COLLEGE TUITION REDUCTION AND INFORMATION ACT OF 1997

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. McKEON. Mr. Speaker, I rise today to introduce the College Tuition Reduction and Information Act. Almost a year ago I, along with the Gentleman from Pennsylvania, Mr. GOODLING, and a bipartisan list of cosponsors, introduced the Cost of Higher Education Review Act of 1997. At that time, it was clear to us that college was too expensive and that college price increases were threatening the ability of American families to provide for their children's education. That legislation, which has since been enacted, established a National Commission on the Cost of Higher Education. The job of the Commission was to evaluate why tuitions have increased to two-to-three times the rate of inflation every year, and to advise Congress and the President on steps which could be taken to bring college prices under control.

The Commission has since finished its work and gone out of existence. The legislation we are introducing today will implement a number of the recommendations of the Commission. Specifically, this legislation will provide students and parents with better information to keep colleges accountable and higher education affordable by requiring the Secretary of Education to work with institutions to develop a clear set of standards for reporting college costs and prices. Under out bill, the Secretary of Education will redesign the collection of Federal information on college costs and prices to make it more useful and timely to the public.

The College Tuition Reduction and Information Act will allow students to make more informed choices about the level of education they pursue by requiring the Secretary of Education to collect separate data on the cost and price of both undergraduate and graduate education. It will help parents and students make informed decisions about the school they choose by requiring the Secretary of Education to make available for all schools on a yearly basis information on tuition, price, and the relationship between tuition increases and increases in institutional costs. It will also allow us to keep track of any progress made in reducing tuitions by requiring the United States General Accounting Office to issue a yearly report on college cost and tuition increases.

This legislation will reduce the costs imposed on colleges through unnecessary or overly burdensome federal regulation by requiring the Secretary of Education to undertake a thorough review of regulations regarding student financial assistance every two years, and where possible repeal, consolidate, or simplify those regulations. The Secretary will also report to Congress any recommendations he has with regard to legislative changes which would allow increased regulatory simplification. Our bill will allow colleges and universities to offer voluntary early retirement packages to tenured professors, and it will require the General Accounting Office to report to Congress on the extent to which unnecessary costs are being imposed on colleges and universities as a result of holding them to the same Federal regulations that are applied in industrial settings. We expect colleges and universities to pass these savings on to students.

This legislation will keep college affordable by ensuring that every American has simpler, more efficient access to higher education by bringing the delivery of Federal student financial assistance into the 21st century and by strengthening Federal support for innovative projects addressing issues of productivity, efficiency, quality improvement, and cost control at postsecondary institutions.

Tomorrow, under the leadership of Chairman GOODLING, the Committee on Education and Workforce will consider the reauthorization of the Higher Education Act. A few of the provisions I am introducing today have already been incorporated into that legislation. I will be offering the remainder of them as an amendment to that legislation early in the markup.

Mr. Speaker, ensuring that a quality post-secondary education remains affordable is one of the most important things we can do for our children and for American families everywhere.

I urge my colleagues to support this important legislation, and to cosponsor the College Tuition Reduction and Information Act.

EMPTY SHELVES: 1998 SURVEY OF U.S. FOOD BANKS

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. HALL of Ohio. Mr. Speaker, I commend to my colleagues' attention an informal survey I recently made of 60 food banks from across the nation. Their responses point clearly to the fact that food banks throughout our country are facing tremendous challenges. Despite our booming economy, demand is rising at surprising rates in most communities.

Here in Congress, most of the talk about hunger has focused on welfare and the reform bill that we passed in 1996. But when you leave Washington, the focus shifts to the food banks. That's where hungry people turn when they've run out of options, and it's where the millions of Americans who regularly donate to canned food drives send their support.

The food banks are in trouble. I am not here to rehash welfare reform, Mr. Speaker, and I was surprised that most food banks aren't interested in doing that either. As the food bank in Montgomery, Alabama put it, "We are doing our best to meet the need, and we think in the end we will help make welfare reform work." A lot of food banks expressed similar optimism, and I share their hope. I think all of us do.

Of all the ways we can make welfare reform work, food is the least expensive one. Job training, transportation to get to a job, child care, health care—these are all pricey investments. Food is an investment too—although some people talk as if food is like a carrot you dangle in front of a mule to make it go where you want it to go. That might work with animals, but it simply doesn't work with people.

Hunger makes people tired. It saps their spirit and drive. It robs them of the concentration they need to learn job skills. It forces them to focus on where the next few meals are coming from—instead of on finding a job, or holding one. And it makes them prone to get sick, from every flu bug that comes around, on up to some very serious diseases.

When Congress enacted welfare reform, we increased federal support for food banks by $100 million—but the money inserted into the gap between need and supply is falling far short. We originally took away $23 billion from food stamp recipients. But we gave just $100 million to food banks. With that, they are struggling to provide just a few days worth of emergency food to the people who've lost their food stamps, or whose food stamps don't last the entire month. It's just not enough.

It made common sense to increase our support for food banks significantly, and we did just that. With evidence that this still falls impossibly short of what is needed—and that many food banks simply cannot make it without more support—it makes common sense to revisit the decision on the appropriate amount of additional support.

This survey of food banks adds to the evidence of booming demands on food banks. It is not designed to be a statistical analysis. But it does provide perspective from around the country—a window on what is happening in communities of every size.

What I found most striking overall is that, of the food banks that estimated the increase in demand for food, 70% reported demand grew much faster than 16%. That is the rate reported in a December 1997 survey by the U.S. Conference of Mayors that shocked me, and many other Americans. And yet so many food banks are reporting even higher rates. I think it underscores the fact that poverty reaches beyond our cities. It scars rural communities and suburban ones too—a fact that many people overlook when they conjure in their minds the image of a welfare mom, or a food stamp recipient, or someone in line at the local food pantry.

Beyond that, the story of hunger in America that the food banks are documenting is an individual one. It increasingly features working people, whose low-wage jobs don't pay enough to put food on the table. Often, it includes people for whom hunger is a symptom of deeper problems—of illiteracy, a lack of education, a history of substance or domestic abuse. But equally often it includes people who are trying to climb out of their problems, trying to improve their prospects and willing to participate in initiatives aimed at giving them the tools they need. And, when the story includes a food bank, it always features people doing the Lord's work—and in increasingly creative ways. The survey describes some of those approaches, and I think many of them deserve attention and praise.

The food banks, and the hungry people who are doing their best to escape poverty, cannot do it alone. We need a range of initiatives to fill the gaps, and I will be using this survey to support my work on at least three ideas: First, and most immediately, the food banks need more money. I am working on a bill now, but the fact is that even millions of dollars would be a small investment in making sure that welfare reform succeeds. I'm also looking into including the President's request for $20 million to support gleaning initiatives, because food banks rely heavily on gleaned food.

Second, we need to end the tax law's discrimination against charitable donations from farmers and businesses who want to donate food. Current law says the value of food is nothing more than the cost of its ingredients—which already are deducted as a cost of doing business.

That means it makes no difference to the green eyeshades in "Accounting" whether the food is donated or dumped. In fact, it costs a few pennies more to donate the food (in transportation or labor costs). The same is true for farmers: why not plow under unsold crops, if it costs you time or money to donate them instead? Many businesses and farmers donate food anyway—but many more probably would if we treat food as a charitable donation, in the same way that old clothes and other donated goods are treated.

Late last year, I introduced the Good Samaritan Tax Act, H.R. 2450, and I urge my colleagues to support that. I also am looking into ways we can remove obstacles to trucking companies and others who can help get food to hungry people.

Third, we must increase the minimum wage. As the Latham, New York food bank put it, "The fastest growing group of people being served by food pantries is the working poor. That is a disgrace. Minimum wage should lift people out of poverty."

There are other good anti-hunger initiatives as well, but if we are serious about answering the clear call of food banks in trouble, these three ought to be at the top of the agenda.

Food banks have been doing the hard work on the front lines of fighting hunger for decades. They are supported by their communities, and they are the organizations that increasing numbers of citizens turn to. In my own state of Ohio, one in nine people seek emergency food assistance every month, according to a September 1997 report by the U.S. Department of Agriculture.

When I visited my local food bank in Dayton recently, I was amazed to find it was the same place I had come often in the past. Then, the shelves were brimming with food—and good food too. Lately, the shelves have been empty, and when I visited it seemed they contained more marshmallows than nutritious staple foods. I was able to convince Kroger to make a generous donation to help Dayton's food bank. I urge my colleagues to see for themselves what is happening in their own communities, and to lend a hand in whatever way you can to answer this growing need.

Increasing numbers of people are so hungry they're willing to stand in line for food, Mr. Speaker. I cannot rest knowing that, too often, there is no food at the end of that line. I urge my colleagues to take a look at this survey, which is available from my office, and to see the situation for themselves in their own communities.

IT'S TIME TO COMPENSATE FILIPINO VETS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. FARR of California. Mr. Speaker, I rise today in strong support of providing fair equity to the Filipino veterans of World War II.

I represent many Filipino veterans in Congress, and I have witnessed their fortitude and love of country and heard many accounts of their bravery and dedication in the face of battle.

Sadly, these veterans—despite their service and sacrifice—are not considered to have been in "active service", and are thus not eligible for full veterans benefits. Many of these veterans served in the battle of Bataan, were subject to the horrors of the Bataan Death March, and fought against the Japanese occupation of the Philippines. No one can argue that they did not earn their right to be considered World War Two veterans—yet current law does just that.

I am hopeful that we are moving closer to finally providing these brave and honorable people the benefits they have earned and deserve. In the 104th Congress, the House of Representatives overwhelmingly approved a resolution expressing strong support for Filipino veterans. This year, the President's budget request actually includes funding—$5 million—for benefits for these veterans.

Now is the time to give equal treatment to Filipino veterans. Over 180 Members of Congress, including myself, have cosponsored H.R. 836, the Filipino Veterans Equity Act, which would provide all Filipino veterans full and equal benefits available to other veterans of the Second World War. This legislation is long overdue and, especially given how little the House of Representatives is scheduled to consider this year, there is no reason not to enact this bill in this session of Congress.

I urge my colleagues to support the President's request for funding for Filipino veterans, and push for swift consideration of H.R. 836. It is the least we can do for those who fought so bravely in the defense of our country.

TRIBUTE TO ROSA R. AND CARLOS M. de la CRUZ

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. DEUTSCH. Mr. Speaker, I rise today to recognize Rosa R. and Carlos M. de la Cruz, Sr. on receiving the Simon Weisenthal Center National Community Service Award. Mr. and Mrs. de la Cruz are being honored for their outstanding commitment to the community. Over the past several years, they have worked together to improve education and social services, promote the arts, help the underprivileged, and foster better relations for all people.

The de la Cruz family defines caring. Born in Havana, Cuba, Carlos and Rosa de la Cruz moved to Miami in 1975. Since arriving in South Florida, they have been a wonderful example of charitable giving, devoting time to education, social services, and the world of art and artists. In 1997, they received the coveted Alexis de Tocqueville Award for Outstanding Philanthropy from the United Way.

Carlos de la Cruz's leadership and enduring generosity is a beacon for us all. For six years, he chaired the development committee for the University of Miami. He also established a Black Educational Scholarship Fund at Florida International University and raised endowment for a campus for Belen Preparatory School. In 1990, Carlos became the first Cuban American to chair the United Way campaign. He helped guide the creation of a United Way program called GRASP to help Cuban and Haitian refugees get off to a good start in our country. Among his accomplishments, Carlos de la Cruz has received the Silver Medallion Brotherhood Award from the National Congerence of Christians and Jews, the Distinguished Service Award from Florida International University, and the Social Responsibility from the Urban League.

Rosa de la Cruz has shared her talent to the world of art. She serves on the Exhibitor Committee of the Museum of Contemporary Art in Chicago, the Acquisition Committee of the Miami Art Museum and is actively involved with the Museum of Contemporary Art of North Miami. She has helped countless contemporary artists express their talents and themselves.

I wish Rosa and Carlos de la Cruz the best on receiving this prestigious honor from the Simon Weisenthal Center. Their leadership and ability to inspire others is truly admirable and I know that they will continue on their benevolent path.

JOAN DUNLOP: LEADER FOR WOMEN'S HEALTH

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mrs. LOWEY. Mr. Speaker, I rise today to recognize the extraordinary career and accomplishments of Joan Dunlop, one of the world's truly outstanding leaders for women's health.

As the President of the International Women's Health Coalition (IWHC), Ms. Dunlop has successfully transformed a once small organization into an agency with a genuinely global scope. Widely recognized as a top authority on women's health and population policy, IWHC now supports some fifty projects in eight countries, enlists the talent and energy of thousands of committed activists and policymakers, and helps countless individuals make sensible health and family planning decisions.

Thanks to Ms. Dunlop, debate about reproductive health and population policy has achieved a new prominence at international conferences, and a greater claim on the attention of global decision-makers. She was instrumental in shaping the agenda of the 1994 United Nations Conference on Population and Development and the Women's Conference in Beijing in 1995.

Ms. Dunlop came to the IWHC after an already distinguished career in philanthropy and public service. She worked with the Ford Foundation and the Rockefeller Family, helped develop strong leadership at the Population Council, served as the vice-president of the Public Affairs Division of Planned Parenthood, and as the Executive Assistant to the President of the New York Public Library.

Mr. Speaker, on April 20, the staff, supporters, and friends of the IWHC will gather to honor Joan Dunlop and celebrate her inspiring contribution to the cause of women's health world-wide. I wish to add my heartfelt thanks and express my passionate belief in the goals to which Joan Dunlop has devoted her professional life.

INTRODUCTION OF "THE PATIENT RIGHT TO INDEPENDENT APPEAL ACT OF 1998"

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. CARDIN. Mr. Speaker, I rise to introduce legislation guaranteeing Americans one of the most fundamental of patient's rights: the right to appeal adverse decisions made by health insurance companies.

"The Patient Right to Independent Appeal Act of 1998" ensures patients the ability to receive an independent, unbiased review of their cases when their plan decides to deny, reduce or terminate coverage in these circumstances: When the health plan determines that treatment is experimental or investigational; when the health plan determines that services are not medically necessary and the amount exceeds a significant threshold; or when the patient's life or health is jeopardized.

This bill does not expand health plans' lists of covered services, rather it guarantees patients and their doctors the freedom to make treatment decisions independent of financial considerations.

Health plans argue that they provide "the right care, at the right time, in the right setting."

But just last Wednesday, The Washington Post quoted the chief financial officer of a local HMO as he discussed with Wall Street analysts the rosy outlook for his company's bottom line. "Probably the brightest spot in our operations is the improvement in our claims auditing capability," he said. "We have . . . taken advantage of opportunities to reduce current and future medical expenses by more closely challenging the contractual and medical appropriateness of claims received."

In their own words, health plan executives are publicly flaunting their ability to find new ways to require providers to refund claims they've already been paid for. This should leave no doubt in our minds that providing avenues for patients to appeal plan decisions is vital.

Many health plans have an internal appeals system already in place, but quite often these appeals are conducted by the same plan personnel who originally denied the coverage.

The "Patient Right to Independent Appeal Act of 1998" establishes a system through which patients can appeal to an autonomous decision-making body that has no financial incentive to limit health care treatment. By passing this bill, Congress can make real progress toward providing the American people a sense of security that their health insurance benefits will be there when they need them. I urge my colleagues to support this essential legislation and guarantee our citizens a much needed patient right.

IN HONOR OF PAUL IACONO FOR HIS TIRELESS EFFORTS ON BEHALF OF THE LEUKEMIA SOCIETY OF AMERICA

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. MENENDEZ. Mr. Speaker, Paul Iacono is a hero. He is a brilliant entertainer who sang a tribute to Frank Sinatra on his 80th birthday, starred in two Union City theater plays and is an announcer for MetroStar soccer games.

He is a tribute to the youth of America because he accomplished all this and more by the age of nine.

He is a bright, talented, energetic and hard-working person who has succeeded despite being diagnosed with leukemia a year ago.

But Paul Iacono is a hero because he has selflessly devoted his time, talents and energy to help find a cure for leukemia. He has given the cause publicity by appearing on the Rosie O'Donnell Show and has helped raise money at events such as the New York City Marathon.

And now Paul Iacono has enlisted Vice President GORE, Congressman ROTHMAN, and me in his cause. In our meeting on March 17, we pledged to help him promote awareness of the disease and move towards the ultimate goal of finding a cure for leukemia.

This remarkable young man serves as an inspiration for us all.

Paul Iacono, his father, Anthony, and his mother, Michele, attended the Annual Leukemia Society of America meeting in Washington, D.C., March 14 through March 19.

ON INTRODUCTION OF THE MEDICARE EARLY ACCESS ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. STARK. Mr. Speaker, on behalf of the Democratic leadership and all committees of jurisdiction, and at the request of President Clinton, we are pleased to introduce the Medicare Early Access Act. This bill provides health insurance for 400,000 people at a vulnerable point in their lives. At the same time, it closes gaping loopholes in Medicare to recapture millions of dollars in fraud and abuse.

Democrats created Social Security in 1935 when Franklin Delano Roosevelt was in the White House. We perfected Medicare in 1965 when Lyndon Johnson was President. And in 1985, I was privileged to draft the COBRA coverage law with the support of a Republican President, Ronald Reagan. This year, under the leadership of President Clinton, we plan to follow in this bipartisan tradition and enact legislation to open up Medicare to early retirees and displaced workers who can't buy adequate health care in the private market.

We can do this at no cost to the taxpayer. The Medicare Early Access Act is fully paid for through premiums and anti-fraud savings.

Insurance companies don't want to sell policies to people between the ages of 55 and 65. Employers are trying to stop covering them. States are not filling the gap. It's time for the federal government to step forward and solve the problem of diminishing access for early retirees and workers who have lost their jobs through no fault of their own.

Early Medicare is also an option for workers age 55 to 62 who have lost their jobs and aren't eligible for COBRA. And despite gloomy predictions in some quarters, the Congressional Budget Office has given the Medicare buy-in bill a thumbs up.

The fraud part of this package will close gaping loopholes that now permit some providers to abuse our country's largest health care system. We give Secretary Shalala the authority to take the necessary steps to save Medicare billions of dollars.

The President's Medicare buy-in proposal sets the stage for a federal government that is fiscally conservative and socially responsible. With the support of progressive lawmakers, we will work toward enactment of this important bill this year.

REMARKS ON WOMEN SMALL BUSINESS OWNERS

SPEECH OF

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mrs. MCCARTHY of New York. Mr. Speaker, I rise this evening in support of women business owners, particularly small business owners on Long Island. Small businesses are the backbone of the economy in my district on Long Island. As of 1996, there are over 527,000 women-owned businesses in New York, employing nearly 1.4 million people and generating $205.6 billion in sales. Since 1987, Census figures indicate that the number of New York women-owned firms increased by 39%, employment increased by 78% and sales grew by 100%. Women owned firms account for over one-third (36%) of all firms in New York, provide employment for 26% of New York's workers, and generate 14% of the state's business sales. I am proud to inform you that New York ranks third out of the 50 states in the number of women-owned firms as of 1996, second in employment, and second in sales.

These statistics indicate the enormous power of women in the small business community. And the benefits to women are not only financial. Women-owned businesses are more likely than all businesses to offer flextime, tuition reimbursement, and, profit sharing as employee benefits. And by owning their own business, women gain control over their own fate. This sense of pride and self-sufficiency are vital as more former welfare recipients move into the workforce.

We need to encourage this dynamic and innovative segment of the business economy. While women owned businesses have made significant strides, they still face many obstacles. Yesterday, I attended a public affairs breakfast hosted by the Long Island Chapter of the National Association of Women Business Owners. This association, along with others like the Women Economic Developers of Long Island, plays an important role in encouraging women small business development. As we discussed at the meeting, the major problem women business owners face is the lack of capital investment available to them. As a member of the Small Business Committee, I am working hard to expand capital investment opportunities to women business owners. I was pleased that the Small Business Association's 1999 budget request contained significant increases for the microloan program, the traditional funding source for women entrepreneurs. In addition, the budget requests increased funding for Women Business Centers. These centers were established in 1988 as a demonstration project to provide long-term training, counseling and technical assistance to socially and economically disadvantaged women and have been very successful. We need to expand these centers so that women across the country have access to these important resources.

Mr. Chairman, small business is the future of our nation's economy and women are at the forefront of this field. It is our responsibility to encourage and expand women's business opportunities as they lead small businesses into the 21st century.

TRIBUTE TO PATRICK WILLIAM CADY

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. MANTON. Mr. Speaker, the Washington, D.C. St. Patrick's Day parade took place this past Sunday. Today is the proper occasion to congratulate and pay tribute to Patrick William "Pat" Cady, who was honored as the Nation's Capital Gael of the Year. This is an annual award which recognizes an individual from the local Washington Irish-American community for their efforts on behalf of Irish and Irish-Americans everywhere. It would be difficult to find anyone more worthy of such an honor than my friend Pat Cady.

I commend and encourage my colleagues to read the exceptional article I have included about Pat's extraordinary life written by Ms. Marie Matthews.

PATRICK WILLIAM CADY: THE IRISH EYE GAEL OF THE YEAR

(By Marie Matthews)

The Irish Eye. If you've been to an event in Washington's Irish-American community during the last twenty years, you've seen him, camera in hand, recording our memories. The Saint Patrick's Day Parade is proud and pleased to honor our Gael of the Year, Pat Cady.

Pat was born on March 8, 1923, in South Boston, Massachusetts. Contrary to the belief of many people, he didn't have a camera with him. His parents were Mary Joyce and James Keady, immigrants from County Galway. They had nine children, five boys and four girls. Some time before the last child was born, the spelling of the name was changed to reflect its Gaelic pronunciation.

When Pat was in his early teens, he picked up a family camera and began taking pictures. He shot hundreds of pictures of his sister, Rita, who was the only child younger than he and who was willing to pose when he asked. Soon after, he joined the Boys' Club in South Boston and began recording their activities on film—sporting events, marches, just hanging around. He set up a darkroom at the Club and taught other boys how to take pictures.

The first camera he bought for himself was a large camera designed for making postcards. Pat still has negatives from that time and from his time with the Boys' Club.

While in high school, Pat worked in the metal shop before school started, lighting the fire in the furnace and preparing tools to be used by the students that day. He graduated from South Boston High School and joined the Navy, expecting to begin a career as a metalsmith. He was prepared to go to metal training, when a Lieutenant Cady (no relation) offered him an alternative: he could stay in boot camp several more months or he could go to New York City to be trained as a photographer. It didn't take Pat very long at all to make a career decision.

The March of Time was the division of Time-Life that produced short films shown in newsreel theaters. The director of the March of Time believed the Navy needed more publicity and had offered to train Navy photographers along with Time-Life staff. In addition to an interest in photography, requirements were willingness and ability to carry cameras weighing 125 pounds. Pat began his formal training there in May 1941 and learned his craft by working with professional cinematographers on location in New York, New England and North Carolina. The training was scheduled to last six months, but shortly before completion, Pearl Harbor was bombed, and the country was at war.

The new year found Pat on a ship bound for the Pacific. He arrived in Bora Bora and began to document soldiers and sailors establishing the first base away from American shores. He learned to tell a story in the

length of one roll of film—one minute. Occasionally, longer stories were necessary, and they were allowed two minutes. Just when he and his team thought they had run out of subjects to film, Admiral Byrd arrived for an inspection tour and gave them additional assignments. He is still in touch with his teammates from that time. After several months, Pat was transferred to the Hebrides, expecting to continue filming short subjects. The skipper there told him they didn't need movies, they needed aerial photography. Pat found himself in low-flying planes with the Army Air Corps (before it became the Air Force), flying in the last plane in bombing missions, documenting the results of the damage done by the planes ahead.

Two years later, Pat was transferred back to the States, to Washington. It was here that he married his high school sweetheart from South Boston in February 1944. Soon after, Pat received orders to report to the Navy studio in Hollywood, and he and Florence established a home around the corner from Schwabs' drug store. Pat began serious training with Hollywood professionals, making training films. A year later, he had his own crew.

When the Korean action began, Pat was sent back to the Pacific as part of a combat camera group. He lived in Korea and Japan. About this time, he was also shooting film that was used by Warner Brothers in their movies. If you've gazed at the ships heading out to sea at sunrise along with Henry Fonda in Mister Roberts, you've seen Pat's work. The seamen spelling out Navy Log on the deck of their carrier at the opening of that television series were also filmed by Pat. Today, he still sees film he shot during that period in various television productions.

Pat moved back to Washington and worked for the Naval Photographic Center, making training films for the Navy and the Marines. He became the first enlisted man to hold the position of Motion Picture Project Supervisor. Pat retired from the Navy in 1961, but continued to produce films for them for another twenty years.

In 1976, he attended his first St. Patrick's Day Parade in Washington and began taking pictures. A year later, he heard on the radio that the Parade Committee needed volunteers and he offered to assist the Parade's photographer. He has been giving his time, talent, film, good sense and ideas ever since.

Pat then became active in other Irish American groups. He was a founding member of the John Fitzgerald Kennedy, Division 5, of the Ancient Order of Hibernians. Today, he is the OAH's national photographer. He is also a valued member of the Irish American Club of Washington, D.C.; the Police Emerald Society; the Roscommon Society; the Nation's Capital Feis Committee; the Ballyshaners; the Washington Gaels; the Greater Washington Ceili Club; Project Children, and the Belfast Children's Summer Program. These organizations rely on Pat to photograph their events and to be a voice of reason and conciliation. He has never let them down.

Pat's beloved wife, Florence, and his daughter Rosemary, passed away several years ago. Rosemary's husband, Bruce Wagner, and their children, Denise, Sean, and James, live in North Carolina. Son George and his wife Susan live in Maryland. Patricia, her husband, Ross Wilcox, and sons Philip and Patrick, live in Delaware. The oldest child, Florence, and her husband Brian Gapsis, live in Ellicott City with Briana, Austin, and Silke. And Florence's daughter, Karen, is expected to deliver Pat's first great-grandchild between his birthday on March 8 and St. Patrick's Day.

Pat would like all of us to understand why the car carrying him in the Parade is weaving down Constitution Avenue. It's not because his driver has begun toasting St. Patrick a wee bit early. It's because Pat is recording the Parade from a new vantage point. Smile—you are becoming a part of our memory of this event honoring a special Irish-American, Patrick William Cady, Gael of the year.

HARVEST FOR THE HUNGRY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. CARDIN. Mr. Speaker, I rise today to honor the work of the Harvest for the Hungry Campaign. Few of us know the pain of hunger or the desperation that comes from not knowing where our next meal will come from.

In 1987, Larry Adams, Jr., founded Harvest for the Hungry as a statewide volunteer effort dedicated to collecting food 365 days a year for people in need. Since that time, many individuals and organizations have contributed their time and energy to this very worthwhile endeavor.

Since its inception, the Harvest for the Hungry Campaign has collected more than 12.6 million pounds of food. In 1997, it collected more than 1.8 million pounds of food for the Maryland Food Bank and its counterparts.

I want my colleagues to be aware of two upcoming events that exemplify the spirit of volunteerism. They are the U.S. Postal Service Letter Carrier Week, from March 14 to March 21, 1998; and the Second Annual Harvest for the Hungry Walk-A-Thon on Saturday, April 4, 1998.

Maryland, like every state, has serious problems feeding those who are homeless and hungry. The Harvest for the Hungry Campaign has tried to remedy that problem. I urge my colleagues to join me in saluting the efforts of the Harvest for the Hungry Campaign and its founder, Larry Adams.

TRIBUTE TO LOIS CAPPS

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. ROEMER. Mr. Speaker, adversity is supposed to make us stronger. But the world does not always cooperate. When we lost our beloved colleague, Walter Capps, last year, we did not feel stronger for it. Indeed, we felt a keen sense of loss.

Today, our loss is assuaged by a new strength, and a new sense of purpose. Our colleague, LOIS CAPPS, was sworn in today to replace the unreplaceable gap left by her husband, her friend, her colleague of so many years. And she does so with alacrity. This is a woman elected of her own talents, strengths, and purpose. The temptation is so easy to say that she will finish Walter's legacy: the truth is that she will improve on it.

LOIS is here not by accident. Walter Capps had a wonderful vision for his district; and for what that meant to all of us. LOIS CAPPS will continue Walter's blessed work, and leave her own imprint on the national scene. She is most welcome here.

Mr. Speaker, the Gentlewoman from California is a most welcome addition to this institution. More than anyone, she is qualified to carry on the legacy of our departed colleague, Walter Capps. But, Mr. Speaker, more than anyone, she is qualified to study and improve upon Walter's legacy.

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. HINOJOSA. Mr. Speaker, on Thursday, March 12, I missed Roll call Vote #50 due to an address I was giving before the National Association of State Boards of Education. Had I been present to vote on final passage of H.R. 2883, the Government Performance and Results Act, I would have cast a no vote.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. SMITH of New Jersey. Mr. Speaker, last week the Appropriations Subcommittee on Commerce, Justice, State, and Judiciary heard testimony in support of the Commission on Security and Cooperation in Europe's Fiscal Year 1999 budget request. In my written submission for the committee, I shared portions of a poignant letter I recently received from the National Director of the Union of Councils of Soviet Jews, Micah Natfalin. Mr. Naftalin's words and observations are well said and heartfelt, and frankly, he reflects observations about the Commission and its work that many NGOs and public policy analysts have shared with me over the years.

The Commission is aggressive in pursuing its mandate to monitor and encourage compliance with the Helsinki Accords. Through its hearings, public briefings, bilateral communications and encouraging strong statements by the U.S. delegation at OSCE meeting, the Commission encourages compliance through public diplomacy and suasion. The Commission's work is significantly enhanced by the diligent work of non-governmental organizations both here in the United States and in the field. The commitment and effectiveness of the Commission and the staff which are expressed in this letter from the Union of Councils speaks for themselves. Mr. Speaker, these complimentary words about the work of the Commission and particularly the expertise of the staff are not uncommon. For the record, I would like to share excerpts from the March 10 letter.

The Union of Councils for Soviet Jews has been a close observer of the Commission's

work since its inception. . . . In the vast desert of policy and think tank meetings, largely concerned with questions of economics, military defense, and environmental protection, *the Helsinki Commission stands as the single oasis where those concerned with human rights*, and especially the grassroots efforts to support common citizens in their quest to hold their national and local governments accountable to the standards of democracy, rule of law and a civil society, *can invariably receive a responsive and understanding hearing.*

The power and moral influence of the Helsinki Commission lies in the commitment of its entirely bi-partisan membership in the House and Senate. Its strength and the quality of its assessments derive from one of the most dedicated and professionally expert staffs I have encountered since I was a Congressional staff member in the early 1960s. . . . The Helsinki Commission's high standard of quality tends to obscure the limitations in its scope and reach. While it is difficult to measure quantifiably the opportunities thus lost, those of us in the human rights community can attest that the success of your work demands greater resources. No other institution can match the Helsinki Commission. It would seem incumbent on the Congress to strengthen your ability to expand the staff, which is your most precious resource.

THE BOBBY STEPHEN ST. PATRICK'S DAY CELEBRATION

HON. JOHN E. SUNUNU

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. SUNUNU. Mr. Speaker, I rise today to pay special tribute to an annual New Hampshire event and the man who hosts it—the Bobby Stephen St. Patrick's Day Celebration. Today marks the 20th anniversary of this Manchester, NH gathering hosted by Bobby, a former State Senator and current Deputy Executive Director of the New Hampshire Job Training Council.

Over the past two decades, Bobby's generous spirit has turned this well-loved and well-attended annual event into an opportunity to give back to his community and his state. For the second consecutive year, he will be donating the entire proceeds from today's celebration to the Jobs for NH Graduates Program, a program for at-risk teens sponsored by the New Hampshire Job Training Council.

This award-winning program is a school-to-career transition program which teaches young people how to look for, find, and keep a job. Currently in place at 30 New Hampshire high schools, the program has served more than 5,000 young people in its ten-year history. It offers students the opportunity to improve their grades, learn about different careers, and serve their communities.

A modest list of the students' achievements includes volunteering to transport donated food from a local store to the Manchester Soup Kitchen, organizing a student job fair at Manchester Central High School, presenting an evening of entertainment to elderly residents at the Hunt Community Center in Nashua, serving as mentors for elementary school children in Newport, and volunteering time at a Red Cross blood drive in Concord.

Mr. Speaker, I commend Bobby Stephen for his commitment and contributions to New Hampshire's youth. His goals and effort are an example for all of us that show how giving back to your community can make a difference for so many. Thank you, Mr. Speaker.

CONGRATULATIONS TO AL HARRINGTON, A TRUE CHAMPION

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. PAYNE. Mr. Speaker, I would like to ask my colleagues here in the U.S. House of Representatives to join me in congratulating an outstanding young man, Al Harrington of St. Patrick High School in Elizabeth, New Jersey, who was named The Gatorade Circle of Champions National High School Boys Basketball Player of the Year. This prestigious award honors not only athletic excellence, but also academic achievement.

We in New Jersey are very proud of this gifted young man, who has distinguished himself both on and off the court. The newspaper USA Today ranks St. Patrick as the Number 9 team in the nation. Al is averaging 25 points per game, along with 15 rebounds, 3.5 assists, and 3 blocked shots. A three-time All-Stater and a pre-season All-American choice, he will be playing in a variety of post-season All-Star games.

Al is following in a proud tradition. New Jersey boasts four winners of this national award—Claudio Reyna of St. Benedict's, Kris Durham of Scotch Plains, and Willie Banks of Jersey City, now with the New York Yankees.

Al maintains a 3.1 grade point average and has performed well on the Scholastic Assessment Test. He is a well-rounded young man who is involved in a variety of extracurricular activities and volunteer work. He held a starring role in the school play Annie Get Your Gun, he sings in the school choir, volunteers in a local hospital, and works with grammar school youngsters.

Mr. Speaker, Al Harrington is a young man with a bright future who embodies the very best qualities of today's youth. I know my colleagues join me in expressing our congratulations and best wishes to him as well as to the other St. Patrick's players and their dedicated coach, Kevin Boyle.

25TH ANNIVERSARY OF THE ST. PATRICK'S DAY PARADE IN KANSAS CITY, MO

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to commemorate the 25th Anniversary of the St. Patrick's Day Parade in Kansas City, Missouri. The second largest parade in the country, Kansas City represents the best of the tradition of the Irish. Started by local radio personality Mike Murphy in 1973, the celebration now includes families, community and school groups, civic and labor organizations representing the greater Kansas City metropolitan area.

The parade has become one of the largest in America because of the dedication and commitment of the Irish community. The traditions of celebrating the history and lineage of the families of Ireland have become ingrained in our community. Generation after generation continue the reminder of the importance of St. Patrick's Day.

From a small crew and a block long parade to the success of today's 100,000 plus participants, Kansas City demonstrates the values of keeping tradition alive. I enjoy the parade and all of the community cheer and enthusiasm. This morning the excitement was captured for the nation on ABC's "Good Morning America" program. Even on a cold and dreary day, Kansas City's St. Patrick's Day Parade brings the shining Irish pride of all of us to light.

Mr. Speaker, I salute the 25th Anniversary of Kansas City's St. Patrick's Day Parade and the excitement it has brought to our community and its residents through the hard work and determination of the Irish community of my district.

PRESERVE CRITICAL DATA IN THE 2000 CENSUS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mrs. MORELLA. Mr. Speaker, today I am introducing a resolution expressing the Sense of the Congress that the 2000 Census should continue to collect demographic and socioeconomic data to promote sound decision making.

On March 31, 1997, the Census Bureau submitted to Congress the subject matters for questions on the long form. The long form is sent to one in six households. Its questions will provide the only accurate and reliable source of demographic, social and economic data about our population and housing. The Census Bureau will collect only data that is specifically required by law or a Federal court for the implementation of programs or the allocation of Federal funds; the Bureau has dropped its 1990 questions that have no explicit statutory justification.

The public sector relies on Census long form data. Federal agencies must have the information collected by the Census Bureau on the long form in order to administer federal programs. They also need this information to ensure that programs are inclusive, representative, and serve the needs of local populations. The U.S. Commission on Civil Rights needs the data to monitor discrimination based on national origin.

Beyond the federal government, the largest non-federal users of long form information are local governments. The National Association of Counties adopted a resolution calling for a census long form "to provide the useful demographic information necessary to guide our country into the 21st century." In addition, state, county, and municipal agencies; educators and human service providers; researchers; and political leaders all rely long form

data. Members of Congress depend on accurate information. The questions on the long form give us insight into our communities, our transportation and infrastructure, our housing, and our ethnic constituencies.

The private sector is a secondary, but important, beneficiary of long form data. Census data promote economic stability and growth in every sector of our economy. Retail, services, communications, and manufacturing companies rely on this data to allocate resources and develop investment strategies; to determine the location of new stores and plants; to assess the need for job training, educational, and child care programs; and to meet customer needs and preferences. Transportation providers use census data to assess the need for roads, highways, and transit systems. The housing industry relies on census data to gauge housing conditions, predict loan demand, and improve and expand housing in under-served markets. The private sector could not possibly replicate the information in the census.

We must send a message to those involved in the 2000 Census—the Congress, the Census Bureau, and the Administration—that we must preserve the long form, the only tool that gives us a comprehensive picture of who we are as a nation.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. KIND. Mr. Speaker, this week it was publicly disclosed that former Wisconsin Senator William Proxmire has Alzheimer Disease. Senator Proxmire, who had a long and distinguished career in the U.S. Senate, is a friend and mentor to me and many other Wisconsin citizens.

Yet, he will probably be best remembered not for what he did in the Senate but by how he got here. Senator Proxmire was famous for his efforts to shake the hands of as many citizens of Wisconsin as possible, standing hours on end at the State Fair and outside the Green Bay Packers games.

One year Senator Proxmire spent a total of $184 on his reelection campaign! Can you imagine a Senator spending only $184 on his reelection in today's political climate?

Next week, I hope we will remember my friend and mentor, Senator William Proxmire, as we debate campaign finance reform. His example should make our decision easy.

INTRODUCING OF THE COLLEGE TUITION REDUCTION AND INFORMATION ACT OF 1997

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. GOODLING. Mr. Speaker, I rise today to join my colleague from California, Mr. McKEON, in introducing the College Tuition Reduction and Information Act.

In today's technology and information based economy, getting a high quality postsecondary education is more important than ever. For many Americans, it will be the key to the American dream. Historically, higher education prices have increased at roughly the rate of inflation. However, since the early 1980's, college tuition has spiraled at a rate of two-to-three times that of inflation every year. According to a report released by the General Accounting Office (GAO), between 1980–1981 and 1994–1995, tuition at 4-year public colleges and universities increased 234 percent, while median household income rose 82 percent, and the consumer price index rose only 74 percent.

Over the past year, I have held hearings across the country as my Committee worked to update and improve the Higher Education Act. One consistent theme I have heard from parents and students wherever I went was the reality that paying for college is a huge financial burden, and that for some, a college education will soon be out of reach. It is alarming to me that, at a time when the higher education programs under my Committee's jurisdiction provide roughly $40 billion per year in student financial aid, parents and students tell me they cannot afford to pay the college bills. It is clear to me, as it is to anyone that has ever sent a child to college, that college is too expensive.

This trend in college pricing is especially alarming in that it only seems to apply to higher education. There are many other endeavors and many businesses that must keep pace with changing technologies and federal regulations. However, in order to stay affordable to their customers and stay competitive in the market, they manage to hold cost increases to a more moderate level.

That is why I'm joining my colleagues today in introducing this important legislation to implement a number of the recommendations of the Commission on the Cost of Higher Education. It is time that we all did something to control college costs. I want to ensure my colleagues and families across the country that I will continue to work hard to see that every American has access to a quality postsecondary education at an affordable price. This legislation will provide a needed step in that direction.

I urge my colleagues to support this important legislation, and to cosponsor the College Tuition Reduction and Information Act.

MEMBERS CRITICIZE CROATIAN GOVERNMENT IN LETTER TO THE PRESIDENT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. TOWNS. Mr. Speaker, I rise today to inform my colleagues of a letter to President Clinton expressing the deep concern of members about the Croatian government's authoritarian and non-democratic actions. Because the United States is sending financial aid to Croatia we must monitor the situation. I am inserting a copy of this letter along with a translation of a related March 13, 1998 Voice of America boardcast.

CONGRESS OF THE UNITED STATES
Washington, DC 20515

Hon. WILLIAM JEFFERSON CLINTON,
President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our deep concern regarding the Croatian government's continued pattern of intolerance toward the basic freedoms of political expression, a free press, and civil liberties. While we expected that the transition from a former communist republic to a democracy would not happen overnight, it has been seven years since Croatia declared itself an independent democratic nation, and little progress has been made in implementing democratic reforms. This was recently reaffirmed by the State Department's Country Reports on Human Rights Practices for 1997. In its report, the State Department makes the finding that in Croatia "the continuing concentration of power within the one-party central government, makes Croatia's nominally democratic system in reality authoritarian."

Most print and broadcast media continue to be owned by the Croatian government resulting in considerable restriction on freedom of the press. Journalists who criticize the government face harassment and even prosecution. The Association of Electronic Media Journalists was established in October 1997, and issued a manifesto ("Forum 21") with 21 points calling for professional and open electronic media. The State Department found "13 of members who worked for state radio and television, came under immediate pressure and threats from the HDZ [President Tudjman's party] and the state-run media to curtail these outside activities." The State Department further reported "The Government maintained an unofficial campaign of harassment of the independent media throughout the year."

In August 1997, the Croatian government brought charges against two prominent human rights activists, Ivan Cicak, longtime President of the Croatian Helsinki Committee, and politician Dobroslav Paraga, President of the Croatian Party of Rights 1861. The government alleged that both men had violated the Criminal Code by disseminating false information with the intent of causing political instability in the country. According to the State Department Report, ". . . the same and similar statements had been made by these individuals—with no ensuing public disorder—several years previously and that similar sentiments were expressed by others." The charges were brought against these men within days of their meeting with the investigators from the Hague War Crimes Tribunal in which they turned over documentation involving allegations against several high government officials.

In addition, the Organization for Security and Cooperation in Europe (OSCE) found the presidential election in June of 1997 to be "fundamentally flawed" and came to a similar conclusion with regards to the parliamentary and local elections in April 1997. The President's ruling party was given an overwhelming advantage in coverage by the state-owned electronic media throughout the election year. Furthermore, there is a disturbing trend over the past few years by the Croatian government to use administrative courts to replace heads of democratically elected parties. The method is simple, the party is registered as being headed by someone who is favored by the ruling party.

The judicial system continues to be heavily influenced by the Croatian Administration. In 1997, the Chief Justice of the Supreme Court, Krunislav Olujic, was dismissed. Three members of the State Judiciary Council were witnesses against him while at the same time they also decided his fate. The OSCE reported that Olujic's dismissal "put in question the separation of powers provided for by the Constitution."

Mr. President, we believe it is well past the time for Croatia to hold fair and free elections based on election laws which do not favor the ruling party over the opposition. The government should return democratically elected leaders of Parliamentary parties who were removed by administrative measures. There must be multi-party control of the election process. An independent media must be allowed to report without fear of reprisal, and the judiciary must be independent from any political influence. We therefore urge you to increase the pressure on the Croatian government to come in line with internationally recognized democratic principles through all means at your disposal, including the disbursement of U.S. assistance.

Sincerely,

Tom Lantos, Tom Campbell, Tony P. Hall, John Edward Porter, Martin Frost, Henry J. Hyde, Benjamin A. Gilman, Luise V. Gutierrez, William O. Lipinski, Edolphus Towns, Jesse L. Jackson Jr., Joel Hefley.

VOICE OF AMERICA—AMERICAN CONGRESSMEN REQUEST OF PRESIDENT CLINTON THAT HE INCREASE THE PRESSURE ON THE REPUBLIC OF CROATIA TO BECOME A DEMOCRATIC COUNTRY

(By Bojan Klima)

A group of very influential American Congressmen recently sent a letter to President Bill Clinton and submitted a resolution to the U.S. Congress. The lawmakers wanted to increase the pressure on the Croatian government to come in line with fundamental democratic principles. The Congressmen urged the American President that he use all means at his disposal, including disbursement of U.S. assistance. Among the many distinguished cosponsors and signatures are influential Benjamin Gilman, Chairman of the International Relations Committee, Congressman Tom Lantos, a member of this Committee, and Congressman Henry Hyde. What is the reason for this contact with President Clinton?

INTOLERANCE TOWARD FUNDAMENTAL POLITICAL FREEDOMS

The lawmakers expressed deep concern regarding the Croatian government's continued pattern of intolerance toward the basic freedoms of political expression. In these documents the Congressmen spoke of freedom of expression, freedom of media and several violations against civil rights of individuals. For example, they wrote that the government has control of most of the electronic and print media. Journalists who criticize the government face harassment and even persecution. One example, the American State Department found thirteen journalist, who worked for State radio and television and who are members of Forum 21, received pressure and threats because they are members of this independent group.

MEDIA IS UNDER THE CONTROL OF THE GOVERNMENT; CASES CICAK, PARAGA AND OLUJIC

In the letter to the President the U.S. Congressmen quoted two cases, Ivan Cicak and Dobroslav Paraga, who were charged in August for violating the Criminal Code by disseminating false information with the intention of causing political instability in the country. The Congressmen wrote in the letter to President Clinton that charges were brought against these men within days of their meeting with investigators from the Hague War Crimes Tribunal to whom they had turned over documentation involving allegations against several high government officials. U.S. lawmakers quoted some other examples of the non-democratic nature of the political system in the Republic of Croatia. Media presentation of the electoral campaign during the last presidential election was so non-objective that the Organization for Security and Cooperation in Europe (OSCE) proclaimed the election "unfair." Furthermore, there is a disturbing trend by the Croatian government to use administrative courts to replace heads of democratically-elected parties. Instead of the democratically-elected heads, the party is registered as being headed by someone who is favored by the ruling party. And the judicial system continues to be heavily influenced by the ruling party. The U.S. Congressmen cited the dismissal of Krunislav Olujic, the President of the Supreme Court of Croatia and referred to the report of OSCE that Olujic's dismissal put in question the separation of powers provided for by the Constitution.

SEVEN YEARS SINCE INDEPENDENCE, THE REPUBLIC OF CROATIA HAS MADE VERY LITTLE PROGRESS TOWARD DEVELOPING DEMOCRACY

The American Congressmen wrote the American President that while they had not expected that democracy would happen overnight in a former communist republic, they found it regrettable the Republic of Croatia has made very little progress toward democracy development in the last seven years. They urged President Clinton to increase pressure on the Croatian government to carry out several demands: first, that Croatia should hold fair and free elections based on election laws which do not favor the ruling party over the opposition; second, the government must return democratically-elected leaders of Parliamentary parties who were removed by administrative measures; third, there must be multi-party control of the election process; and fourth that journalists and judges must be allowed to function without fear of reprisal or political repression. Finally, these very influential American Congressmen requested of President Clinton that he increase the pressure on the Croatian government to come in line with internationally-recognized democratic principles. The Congressmen requested that President Clinton use all means at his disposal, including U.S. economic assistance.

SUPPORT GROWS FOR CREDIT UNIONS

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1998

Mr. KANJORSKI. Mr. Speaker, my colleague, Mr. LATOURETTE and I wish to state that support for H.R. 1151, the Credit Union Membership Access Act, continues to grow. Below are ten of the more than 100 editorials 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 USA Today, Mar. 4, 1998]

COURTS SLAP AT CREDIT UNIONS HURTS CONSUMERS

Consumers seeking bank services want low costs, higher returns and convenience. Last week, the Supreme Court struck a blow against all three.

In deciding by a 5 4 vote that multiemployer credit unions were, in effect, illegal, the court put a halt to credit unions' rapid growth, up 12 million members since 1990.

Current multiemployer credit unions are expected to be allowed to continue. But the ruling threatens to reduce competition for banks by preventing millions of other Americans from joining them.

Nonprofit credit unions are mostly employer sponsored and employee run. To be financially viable, each needs 500 members—more than most small businesses have. If they can't jointly sponsor credit unions, their workers must do without.

This suits bankers fine. They claim credit unions offer higher interest on savings and lower rates on loans because they don't pay income taxes. That's OK, they said, if membership is strictly limited. But opening credit unions to a wide array of people, as multiemployer ones do, damages banks and robs taxpayers, they argue.

There's only one problem with that reasoning. History shows it to be false.

Federal regulators urged small credit unions to merge 15 years ago to prevent them for going under, which could have hit taxpayers the way savings and loan failures did. And despite their rapid growth since, they've hardly hurt banks.

Credit unions' share of the nation's financial assets is struck at 2%. Only 1% of their loans go to commercial ventures, where banks make their big money. And even in consumer lending, at which credit unions excel, they haven't made big inroads. A federal study last year found banks' share of family debt climbed from 29% to 35% between 1988 and 1996 while the share owed credit unions rose from a mere 3.3% to hardly awesome 4.2%.

Meanwhile, bank profits are at record highs, with fee income rocketing.

Those fees, on everything from counter service to ATMs, added $50 billion to banks' bottom lines last year. Banks say they're needed to cover the $250 annual cost of maintaining an account. But they're also high enough to force 13% of families out of banks and into the hands of costly check cashing outlets and pawnshops.

Even professionally managed credit unions still have policies set by member elected volunteer boards. They strive to keep services affordable, so fees average 40% below those of banks. At most, people eligible to

enroll can open accounts with $25 or less. Try doing that at a bank.

Congress recognizes the need. It is considering legislation to preserve that access.

Doing so won't hurt banks. It will cost taxpayers nothing. It only ensure consumers have the choices they deserve.

[From the Los Angeles Times Editorials, Feb. 27, 1998]

NEW CREDIT UNION LAW NEEDED

There are a lot of angry members of credit unions across the country, grousing with good reason about the Supreme Court's decision to restore limits on who can join these nonprofit cooperatives. Going back to a strict reading of an old law, the court ruled 5 to 4 that credit union members must be individuals within a single company, community or occupation.

Congress needs to act to reverse the ruling, a major setback for credit unions although there will be no immediate effect on current members. The organizations have greatly expanded their memberships since 1982 when federal regulators relaxed the membership rules to allow a credit union to accept individuals from outside the group it was originally chartered to serve. This "multiple group" policy helped employees of small companies join credit unions chartered by larger ones and allowed credit unions at downsized companies to diversify to stay in business.

Federally chartered credit unions date back to the Depression, when banks were unwilling or unable to make small loans to workers. And consumers still want and need a choice beyond conventional banks, which hardly put out the welcome mat for small accounts.

The original Federal Credit Union Act of 1934 said members must be part of "groups having a common bond of occupation of association" such as employment in the same company or membership in the same church. After regulators relaxed the rules, banks mounted court challenges claiming that credit unions were building conglomerates and had unfair tax advantages as nonprofit corporations.

Anticipating the Supreme Court's ruling, credit unions have been at work in Washington on legislation to change the law to ease its restrictions on membership. Attention is focusing on HR 1151, a bipartisan bill introduced by Rep. Paul E. Kanjorski (D-Pa.) and Rep. Steven C. LaTourette (R-Ohio—that has 136 co-sponsors. Committee hearings on credit union membership begin week after next.

What lawmakers will hear is that credit unions have attracted 71 million customers because of lower fees, fast emergency loans and better rates on loans and savings. Credit unions hardly pose a threat to banks, which, according to LaTourette, hold 93% of all savings and deposits and 94% of all loans. Consumers deserve alternatives; credit union membership restrictions should be amended.

[From The Record, Mar. 2, 1998]

SUPPORT FOR CREDIT UNIONS

In ruling in favor of the banking industry in its fight to stop credit unions from expanding, the U.S. Supreme Court probably made the right legal decision last week.

But Congress should write into law the practices invalidated by the court. Credit unions offer consumers choice and affordable services, and they encourage people to save who probably wouldn't otherwise. That's good for everyone.

By a 5-4 vote, the court ruled that the federal government went too far in 1982 when it allowed federally chartered credit unions to recruit members who weren't linked by occupation or location. The 1934 federal law that authorized credit unions had limited their membership to groups with a "common bond."

Justice Clarence Thomas wrote that the government's interpretation of the law made it permissible "to grant a charter to a conglomerate credit union whose members would include the employees of every company in the United States." That wasn't the intent of the law.

But now that the court has ruled against credit unions, the situation for 20 million customers who joined after the government relaxed membership requirements is uncertain.

Federal lawmakers can end this limbo with legislation allowing credit unions to continue to operate under the more flexible rules established by Washington.

Such a move has bipartisan support, but don't expect the powerful banking lobbyists to lie down and allow it to become law. Banks complain the credit unions are competitors who are allowed to play by a different set of rules. Credit unions don't have to pay federal taxes or abide by fair-lending laws.

But credit unions aren't as much of a threat as the banking industry would have us believe. According to the New Jersey Credit Union League, the assets of the average commercial bank are nearly 30 times that of a credit union. And if people are opting for credit unions instead of banks, it's because of the lower fees and interest rates.

A study by the Consumer Federation of America showed that credit union fees are about 40 percent lower than bank fees. That's a problem banks can address without squashing credit unions. Changing the law to allow credit unions to continue to expand memberships within reason would be a victory for consumers.

[From the Birmingham Post-Herald, May 7, 1997]

GIVING CREDIT TO CREDIT CREDIT TO CREDIT UNIONS

Credit unieen 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, 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 nonprofit organizations 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 groundswell 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.

[From the Wilmington Morning Star, Feb. 28, 1998]

GIVE SOME CREDIT WHERE IT'S NEEDED

About 650,000 Tar Heels are members of credit unions. A Wednesday ruling by the U.S. Supreme Court threatens to take away some of their choices and force them to pay more for financial services.

The fight now shifts to Congress, where support is building to protect credit unions from being overwhelmed by big banks.

Credit unions got started during the Depression, when some banks refused to lend money to many Americans, particularly those of modest means.

As Justice Sandra Day O'Connor put it in a dissent to the court's ruling in this case, "Credit unions were believed to enable the general public which had largely been ignored by banks, to obtain credit at reasonable rates."

Federal regulators in 1982 allowed many credit unions to expand their memberships beyond the original employees or associations that they were established to serve.

It is that expansion that bankers challenged in this lawsuit which arose in North Carolina.

The banks claim credit unions have an unfair advantage, because they are exempt from federal taxes and have grown to offer a wide range of financial services that make many larger credit unions virtually indistinguishable from banks.

Credit unions reply that they must be allowed to grow as they compete with bigger banks for customers. And credit unions still offer incentives to customers with smaller amounts—the types of customers many of the growing mega-banks shun by charging them higher fees and interest rates.

After winning in the Supreme Court, the banking industry said it only wants to prevent future expansion of credit unions and won't try to force current members out. But since many credit unions have a large turnover in customers, the need a steady flow of new customers to survive.

The decision was barely filed before lobbying began for a bill already prepared in Congress.

It would change the 1934 law that created credit unions, allowing them to include members from several businesses or associations, instead of just one.

There seems no other way to preserve financial institutions that have helped so many families of modest means.

[From the Miami Herald, Feb. 28, 1998]

BANKING ON LAWMAKERS

In the latest battle between banks and credit unions, the banks won and consumers lost. A divided U.S. Supreme Court ruled this week that a federal agency erred in 1982 when its broad interpretation of a 1934 law let credit unions substantially expand their membership.

Granted, the law's language seems vague enough to lend itself to varied interpretations. It says that federally chartered credit unions' membership shall be limited to groups having a common bond of occupation of association, or to groups within a well-defined neighborhood, community, or rural district."

Construed liberally, a "common bond of . . . association" could even be interpreted to include persons freely associating in order to open a credit union. For years, though, most credit unions were restricted to employees of a single firm or to members of a single labor union.

In 1982, however, the national Credit Union Administration sensibly ruled that credit unions could accept members from multiple employers. The ruling helped credit unions expand.

Healthy credit unions are vital for consumers in an era when America's over-consolidating banks are gouging their customers with ever-higher fees—and when job growth is fastest at businesses that employ fewer than 50 workers each. Such businesses obviously lack the critical mass to sustain a credit union all by themselves. Yet courts are concerned with what the law says, not with how an interpretation might affect the marketplace.

So it's therefore hard to fault this ruling on legal grounds. Indeed, the 5-4 majority joining in Justice Clarence Thomas's majority opinion cut across the court's usual ideological fault-line to include Justice Ruth Bader Ginsburg, a Clinton appointee. And the dissenters merely argued that the banks had lacked the standing to sue.

Although the court decided who won this battle, Congress and the states will decide who wins the war. On Capitol Hill, House Speaker Newt Gingrich is pushing a bill to let credit unions do what the court's ruling says the anachronistic 1934 law won't let them do.

Meanwhile, in the state capitals where federally chartered credit unions have been rechartering with state regulators, the banks and credit unions will be slugging it out again on membership rules and, in some states, on taxation issues.

How these battles turn out will be an interesting test of whether a broad interest favorable to lots of voters—the credit unions—can defeat a powerful banking lobby that provides lots of politicians with wads of campaign cash.

[From the Atlanta Constitution]

KEEP CREDIT UNIONS STRONG

House Speaker Newt Gingrich (R-Ga.) has decided to join some 160 cosponsors of a bill to strengthen credit unions, adding important momentum to congressional efforts to overturn a Supreme Court ruling favoring banks over financial cooperatives.

The bill embraced by Gingrich would allow federally chartered credit unions to continue to include diverse groups in their memberships. Last week, the Supreme Court ruled 5-4 that only a single group with a "common bond" can form a credit union. In other words, a credit union would no longer be allowed to welcome employees from several different companies.

That ruling could represent a significant financial setback for the 62 million Americans who depend on the nonprofit cooperatives for low-cost loans and other banking services. The need for credit unions has grown as banks continue to merge and enlarge themselves, leaving many consumers facing higher fees and less personalized service.

Because credit unions do not generate profits for shareholders, they can pass along earnings to members in the form of better rates and services. Although credit unions make up less than 6 percent of the consumer financial-services market, they put enough pressure on banks to help hold down fees for everyone.

When credit unions were created by federal law in 1934, members generally shared a "common bond," such as employment in a large factory. But in recent years, sprawling factories have been closing, leaving more people employed by small companies. In Georgia, for example, 62 percent of the people employed in the private sector work for companies with fewer than 500 employees.

But a credit union needs at least 500 members to generate sufficient business to cover costs. The only way to survive is to have one union serve the employees of several small companies, a move that the National Credit Union Administration has allowed since 1982.

Bankers sued the credit unions to stop that practice, saying the 1934 law was being stretched too far. The Supreme Court agreed that membership should be restricted under existing law.

Congress can ensure the continued health of credit unions by updating the law to fit today's economy, with its profusion of small businesses. Bankers oppose the bill, saying credit unions have an unfair advantage because of exemptions. But credit unions don't pay federal income taxes because they don't generate income; they are simply groups of people pooling funds to help one another.

By allowing credit unions to continue to grow, Congress can help the "little guy" combat rising bank fees, high loan rates and occasionally rude service.

[From the Boston Globe, Mar. 2, 1998]

WHERE CREDIT IS DUE

Congress owes American consumers swift action to reverse the effect of a Supreme Court decision potentially restricting access to credit unions. Credit unions, beyond providing direct services to ordinary savers and borrowers, perform a valuable function for everyone with competitive deposit and loan rates that would be diminished were the decision's effects to stand for long.

The court's 5-4 decision was based on a strict reading of federal enabling statutes that govern eligibility for joining credit unions. The law stipulates that credit unions may serve groups of people with common bonds of association or occupation, but regulators have permitted very loose interpretation of what constitutes that commonality.

This loose interpretation has, in turn, permitted growth of credit unions that are essentially indistinguishable from ordinary banks in their depositor and borrower customer profiles.

Despite expansion, credit unions are scarcely a dominant force in banking, having only 6 percent of assets even though the number of individual credit unions—11,591—slightly exceeds the number of commercial and savings banks.

The history of the credit union movement, in which Massachusetts has played a leading role, dates to a time when conventional banking practices were far less accommodating to potential customers with limited means. Credit was often difficult to get, and even depositors might be dismissed as trivial nuisances. In that world, the development of credit unions played an important role in providing financial services to groups that might otherwise have been left out.

More recently, credit unions have taken on the trappings of conventional banks and have competed successfully with savings banks and savings and loan associations. Too successfully, some bankers say, blaming the tax advantages some credit unions enjoy—an issue that also needs addressing.

For now Congress can avoid confusion and unnecessary dislocation by authorizing what has become a financial reality: Credit unions are significant and valued players in a vital field.

[From the Startribune, Mar. 9, 1998]

CREDIT UNIONS—CONSUMERS DESERVE GREATER ACCESS

The American Bankers Association won a round against the little guys last month when the U.S. Supreme Court ruled that federal regulators have made it too easy for the nation's credit unions to expand and compete with the Citibanks of the world. You can't fault the justices; they read existing law correctly.

But this week, Congress will take up legislation to rewrite the law and restore a broader customer base for credit unions. That would serve the nation's consumers and invigorate competition in the nation's financial markets.

At issue is a concept called "field of membership." When Congress created credit unions in 1934, it gave consumers the power to band together and form low-cost alternatives to banks. But Congress said such groups must have a common bond, such as working for the same employer. In 1982 the federal agency that regulates credit unions, the National Credit Union Administration, greatly expanded that concept, allowing a credit union to combine multiple employers or communities within a field of membership. Today, about half of federally chartered credit unions have these conglomerate memberships. Some, like the IBM Employees Credit Union in Rochester, Minn., have tens of thousands of members. It was this policy that the Supreme Court struck down last month.

But there was good reason for the NCUA to loosen the reins on credit unions. The financial squeeze that swept across America in the early 1980s restructured the U.S. economy, wiping out many of the venerable mid-sized manufacturers that had sustained credit unions. Meanwhile, a new industry of micro-service firms sprang up, with the result that the average size of American employers has shrunk and shrunk. Today, fewer than half of Americans work at companies big enough to sustain credit unions on their own. They simply have no access to this attractive financial alternative.

If credit unions posed a genuine threat to banks, it might be right to go back to an

older set of rules. But they don't. Although they have some 70 million members, they represent scarcely 2 percent of the financial services market—just enough to serve as a good competitive check on banks in an era of rapid financial consolidation.

Bankers have a second gripe, which might get attention from Congress. Credit unions are exempt from the federal corporate income tax, and thus have a modest cost advantage over banks. There is a rationale for this special tax status. Credit unions are member-owned cooperatives that earn no profits and have no stockholders. But modern credit unions resemble banks in other important respects; they're professionally run and highly computerized. It's hard to argue that they need what amounts to a subsidy from taxpayers, especially at a time when Congress is trying to squeeze loopholes out of the tax code.

Credit unions aren't for everybody. Many consumers want the heft and convenience of a full-service bank that offers a broad line of loans, multiple branches and even investment advice. But credit unions, with volunteer management and no-frills infrastructure, typically offer basic checking and lending services at more competitive fees and interest rates. Choice is good in competitive markets, and this is a choice that should be available to more Americans.

[From the Chicago Tribune, Apr. 28, 1997]

CONSUMERS WILL BE THE BIG LOSERS IN BANKS' ATTACK OF CREDIT UNIONS

(By John McCarron)

God bless the Navy Federal Credit Union.

If it wasn't for the credit union, I couldn't have bought that used Toyota Corona back in 1971. And if it wasn't for that Toyota, things might not have turned out so well.

Back then, my new bride needed a car so she could move out of her parents' house in New Jersey and take a "dream" job as a visiting nurse near Newport, R.I., where my oil tanker was based. We were a year out of college with no savings and a credit sheet full of outstanding student loans.

That didn't bother the Navy Federal Credit Union. It was used to lending money to freshly-minted ensigns with strange-sounding addresses like: "USS Mississinewa (AO-144), FPO, New York." And the office workers knew exactly where to find the union's members. They also knew, what with so many shipmates belonging to the same credit union, from the captain to the cook, that for a junior officer to default on a loan would be, well, not a good career move. More like a keel-hauling offense.

So NFCU okayed that thousand bucks by phone, right there at the car dealership, and my new bride and I drove off to our new careers, wedded bliss, kids, a mortgage and all the rest.

Truth be told, we haven't borrowed much from our credit union since those early years. Except for our mortgage we've been fortunate enough to avoid buying-on-time or paying those unconscionable 18 percent bank credit card rates. Still we're faithful "members-owners" of the NFCU. I keep more than the minimum balance in our "share savings account" for a couple of reasons. You never know when you'll need a competitively-priced consumer loan; and besides, I believe in what credit unions stand for.

And what they stand for, to my way of thinking, is that people of modest means have a right to form their own not-for-profit cooperatives rather than do business with for-profit companies owned by distant powers-that-be. That's also why I choose to insure my house and car through a mutual insurance company and why I got my first mortgage from a savings and loan association. And it's why I was saddened when my S&L was gobbled up—as so many have been—by a mega-bank that's listed on the New York Stock Exchange and pays its CEO more than $3.6 million a year in salary and bonuses (not including stock options.)

Then again, most people don't care whether their lender or insurer is mutual, co-op or stock. Likewise, most people probably think Frank Capra's "It's a Wonderful Life," was a movie about Christmas, not the tension between mutuals (George Bailey's S&L) and for-profits (Mr. Potter's commercial bank.)

Mr. Potter, you may recall, didn't have much use for the dirty-fingernail types who financed their cottages through their own S&L. So when the opportunity arose to pull the plug on the little people (after Uncle Bailey misplaced a bank payment) the greedy Mr. Potter moved in for the foreclosure kill.

Capra's populist allegory was heavy-handed, to be sure, the product of Depression era angst over the lot of working people. The movie's plot seems outdated now that so many of us are middle-class with stock portfolios of our own.

But guess what? The spirit of Mr. Potter is alive and well. It throbs within the silk suits of American Bankers Association, which is on a crusade to stop the growth of my NFCU and the 12,000 other member-owned credit unions in these United States.

Turns out more and more consumers are discovering it pays to save and borrow at their own co-ops rather than at banks that need to churn out profits for stockholders and big salaries for bank officers. Even though they hold 93 percent of all the nation's savings, bankers say they are "concerned" about the growth of credit union membership.

So the ABA has been suing the federal agency that regulates credit unions, claiming the unions ought to confine their membership to savers with a single "common bond" (like employment in the Navy.) In an era of rapid consolidation among all types of lenders, they especially want to stop larger credit unions from merging with smaller ones whose members don't have the same bond.

The bankers argue that overly permissive federal rules make it possible for the general public to join credit unions. This is an outrage, they say, because unlike banks, credit unions don't pay income taxes and therefore have an unfair competitive advantage. (An $800 million "government subsidy," according to ABA publicity materials.)

What the bankers don't say is that credit unions disburse virtually all their profits to members in the form of dividends, which are, in turn, taxed as personal income.

Maybe that last point was lost on the federal appellate judges who last July overturned lower-court rulings and sided with the banks. If the Supreme Court concurs, some 10 million credit unionists will see their memberships voided.

Unless, of course, Congress amends the 1934 Federal Credit Union Act so as to liberalize the definition of "common bond."

Which is precisely what Congress should do, though I'm not going to hold my breath. Money talks in Washington, and the $5 trillion banking industry talks louder than a credit union sector one-sixteenth that size.

It's a shame, because I don't think Mr. Potter would have made that loan on our used Toyota.