HOUSE OF REPRESENTATIVES—*Thursday, April 23, 1998*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. EWING).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
April 23, 1998.

I hereby designate the Honorable THOMAS W. EWING to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

Of all Your wonderful gifts to us, and of all Your blessings so freely given, we offer our thanks and praise to You, O God, for the gifts of wisdom and discernment. We recognize that knowing only the details and facts of our circumstances is not enough, not enough to make good judgments, or to understand decisions. Teach us again, Gracious God, those values and ideals that have strengthened our Nation in days past, and which values and ideals will illumine our minds and help us to see more clearly the meaning and purpose of life. For wisdom in our decisions and for discernment in our judgments, we pray this day. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. BEREUTER 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

IN NEVADA EVERY DAY IS EARTH DAY

(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, today I rise to remind my colleagues and our guests that yesterday was Earth Day. Interestingly enough, as I look back, last week Chicago residents protested and stopped a shipment of napalm from coming through their area. I am so pleased to know that the Federal Government is so committed to preserving and maintaining the environment that they have dedicated a whole 24 hours in its honor.

Well, Mr. Speaker, in Nevada every day is Earth Day, and the hard-working men and women of Nevada are so dedicated to maintaining the environment that they fight each and every day to stop 70,000 tons of high-level nuclear waste from being shoved down their throats.

I was encouraged by the overwhelming demonstration of support for Earth Day from my colleagues on both sides of the aisle. Consequently, I greatly anticipate their support in our effort to keep the environment safe from the dangers of transporting high-level nuclear waste through their communities.

What better way to celebrate every day as Earth Day than to stop the needless transportation through our communities of the deadliest material on earth.

I urge my colleagues to use science, not the politics of emotion, in supporting Earth Day.

COMMANDOS FINALLY RECEIVING JUSTICE

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, for the past year, I have been working to ensure that the United States Government honor a 30-year-old debt to former South Vietnamese Army commandos, who worked for the U.S. Government during the Vietnam War. And these individuals were recruited by the United States to cross enemy lines and fight the Communists on behalf of the Americans.

Last year, Congress unanimously approved legislation to finally pay the 30-year-old debt, and I am very happy to announce that the long wait for recognition and compensation may be finally over for the commandos.

To date, the Commando Compensation Board has processed 266 claims. One hundred forty-two commando cases have been approved, and these individuals are finally receiving their compensation.

I am pleased that the U.S. Government is finally honoring their contracts for their years of service and for their bravery in service to the United States. The least we must do is keep our word.

I look forward to the day that all of these cases are closed and every single commando receives his justice.

JAPAN'S ROLE IN THE ASIAN FINANCIAL CRISIS

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

Mr. BEREUTER. Mr. Speaker, the world is closely watching Japan to determine if that country's leaders can steer the world's second largest economy clear of recession. The implications of their action or inaction is enormous for Japan itself, for the regional and global economy, and for the United States. Today at 1:30, in 2172 Rayburn, the Subcommittee on Asia and the Pacific, and the Subcommittee on International Economic Policy and Trade hear testimony on this subject, and on the legislation offered by this Member, the gentleman from California, Representative BERMAN and others, from four experts on Japan's role in the Asian financial crisis.

This Member urges interested Members to send their staff and to read the summary in the CONGRESSIONAL RECORD on this important and timely hearing so that we can all learn more about Japan's enormous role in our own future, and to review the suggestions of what Japan must do to ensure that the future is bright for all of us.

REAL CAMPAIGN FINANCE REFORM

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

Mr. PALLONE. Mr. Speaker, I want to congratulate my Democratic colleagues and the Democratic leadership for a successful effort to push Speaker GINGRICH and the Republicans, and force them to bring up real campaign finance reform.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Speaker GINGRICH tried to get around his promise to bring up campaign finance reform by posting a phony bill with a sham procedure just before the April Congressional recess. Democrats responded by signing a discharge petition, and forcing the Republican leadership's hand.

Our Democratic leader, the gentleman from Missouri (Mr. GEPHARDT), was right when he said yesterday this was not a conversion, but a retreat by Speaker GINGRICH. He now promises to bring up campaign finance reform again in May.

Mr. Speaker, Democrats have to be vigilant and hold Speaker GINGRICH to his promise. Campaign finance reform needs to be brought up with an open rule so that Members have an opportunity to vote on proposals that will limit the amount of money in political campaigns, and not allow more money from wealthy special interests, and that is, of course, the position favored by Speaker GINGRICH and the Republican leadership.

TIME TO REIN IN THE IRS

(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, although the Liberals just hate to bash the IRS, ordinary Americans who pay taxes have no other choice.

Consider this: In Fortune Magazine recently it says that there were 119 million returns filed in the tax year 1996. Those returns triggered 28 million error notices. It turns out that one in 11 of those error notices was itself in error. So the IRS is routinely wrong about your being wrong.

Now, I did not learn arithmetic using "whole math" like our lucky kids today, but I come up with about 2.5 million IRS errors, 2.5 million times when the IRS is accusing you of being a tax cheat, when, in fact, you are just one more falsely accused taxpayer by the IRS.

The IRS is a place that does not operate under the same rules as society does. The IRS can accuse, make demands, confiscate, shut down, and make you prove that the IRS is wrong. And when the IRS is wrong, well, tough luck.

Mr. Speaker, it is time to rein in the IRS.

COMMON SENSE LACKING IN POLITICIANS IN WASHINGTON, D.C.

(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, in America, Communists can work in our defense plants, illegal immigrants who jump the fence can get citizenship, there are law libraries for mass murderers; some want free condoms for school children, and some now want free needles for drug addicts. Think about it. Free condoms, free needles, but in America, no school prayer. Is it any wonder the streets of America are full of narcotics and blood?

The founders believed that a Nation without prayer would be a Nation without God. I agree. The Congress should pass school prayer.

I yield back the balance of any common sense left in any of the politicians in Washington, D.C.

OUTRAGE OVER WHITE HOUSE HIRING OF PRIVATE INVESTIGATORS

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

Mr. TIAHRT. Mr. Speaker, on February 22, 1998, White House Press Secretary Mike McCurry denied that any of President Clinton's private attorneys have hired or authorized any private investigator to look into the background of prosecutors or reporters.

Now, let us listen to that quote again, and let us think about whether we should keep on doing our business and ignore the White House deception and deceit, because, hey, the stock market is doing just great.

The President's press secretary denied any of President Clinton's private attorneys have hired or authorized any private investigators to look into the backgrounds of prosecutors or reporters. But it turns out that the private investigator himself, Terry Lenzner, admitted that he had, indeed, been hired by the White House to look into the private lives of journalists, Federal investigators and anyone else the White House wants to smear.

Finally, someone in the employ of the White House has the integrity to tell the truth. I guess the 900 FBI files illegally obtained were not enough dirt for them to dig up.

Mr. Speaker, we have a President hiring private investigators and then having his spokesman misrepresent the truth about it. I think when the American people understand this, both Republicans and Democrats alike will be outraged.

ENSURE CAMPAIGN FINANCE REFORM OCCURS

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

Mr. DOGGETT. Mr. Speaker, I believe that the millions of Americans who want some real change in the way our campaign finance system works and want to reduce the corrupting influence of money on our political system can be encouraged by the sudden reversal yesterday of Speaker GINGRICH and his announcement that we would, within the next 3 weeks, act on this floor in a fair, bipartisan way to address the problems that are so critical in this system.

However, I think all of us have to wonder whether this represents only another New Hampshire handshake. Americans will remember that it was back in 1995 in New Hampshire that Speaker GINGRICH promised President Clinton there would be action then on campaign finance reform.

We have had one broken promise, one bit of double talk, doublecrossing after another on this issue since then. So we must remain vigilant and involved to ensure that real reform occurs here, and not more talk and doubletalk.

EL PASO QUADRICENTENNIAL FESTIVAL

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

Mr. REYES. Mr. Speaker, beginning tomorrow, April 24 through April 26, the city of El Paso, Texas, will host the El Paso Quadricentennial Festival. This festival is an international celebration, bringing together representatives from Spain, Mexico and other nations around the world to join in celebrating the 400th anniversary of the expedition of the Spanish explorer, Don Juan de Onate, through the Southwest.

His exploration began in January of 1598, when he and 400 other men and women traveled from Mexico through the present day El Paso, Texas. After numerous hardships during their journey, the expedition arrived along the banks of the Rio Grande River in April of 1598.

In gratitude for surviving their difficult travel and finding water along the Rio Grande, they observed a feast and celebrated with local Indians. This historical event is considered the first Thanksgiving, which occurred 22 years before the pilgrims landed at Plymouth, Massachusetts.

Mr. Speaker, it is important for our Nation to recognize this 400th anniversary. I am proud that El Paso is hosting this International Commemoration, as it enhances our country's understanding of the extensive influence of the Spanish language and culture on our heritage and origins of this Nation.

□ 1015

CONGRESS NEEDS TO STAND FIRM AGAINST THE WHITE HOUSE ON FREE NEEDLE PROGRAM

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

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, many people remember the President's Surgeon General claiming that the answer to youth violence was safer guns and safer bullets; that the answer to sexual promiscuity among America's youth is condoms in schools. Now we have the answer to the escalating drug problem in America coming out of the White House, free needles to heroin addicts. Imagine that, Mr. Speaker, government-subsidized free needles to heroin addicts.

I submit the following: Any President who supports and would promote the subsidization of free needles to heroin addicts is just as guilty as any drug pusher or any drug user who causes death and destruction among America's communities today.

This level of social decay is unacceptable. This Congress needs to stand firm against the White House. The partnership for a Drug-Free America has met its match. The White House and the heroin industry formed the partnership for free drugs in America. Common sense needs to rule the day. We need to stand firm.

In a minute another member of the President's party is going to step to the microphone, and I want to ask directly, is he going to stand with Americans against this free needle exchange program, or is he going to talk about something else today?

THE PEOPLE STILL WANT COMPREHENSIVE CAMPAIGN FINANCE REFORM

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

Mr. FARR of California. Mr. Speaker, law enforcement in my district supports needle exchange.

Mr. Speaker, I rise today to point out that the majority party controls this House. This is the people's House. This is where people's voices can be heard, because everybody here has to be elected. We cannot run away from that responsibility.

When the Democrats controlled this House, we passed out several times, three times, in fact, campaign finance reform, comprehensive campaign finance reform. The last of those bills to reach the President's desk was vetoed by President Bush. The people still want comprehensive campaign finance reform. Their pressure now gives this House a second chance, after the leadership orchestrated a defeat by a two-thirds vote and by scheduling it on a day when one of the Members, a former Member, had a funeral.

So, Mr. Speaker, I ask Members to keep watching. Will we get a comprehensive campaign reform or will we see another orchestrated defeat?

PAY-GO MUST GO

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I want to talk about another ridiculous Washington budget rule called pay-go. This rule promotes big government spending while Americans pay taxes, higher taxes, as a matter of fact. Under pay-go, if we eliminated every welfare big government program, we could not give any of those savings back to the American people in the form of tax relief because of our own rules. It means we have to raise taxes to lower taxes. We have to change our rules.

Yesterday the gentleman from Arizona (Mr. J.D. HAYWORTH) and I introduced a bill just to do that. We must be able to cut big government spending, get Washington out of Americans' lives, and give the money back to the American people. After all, it is your dollars.

It is wrong that we cannot, for example, cut a $3 million TV documentary on infrastructure awareness and use that same money to eliminate the marriage penalty tax. Do Members not think families are more important than welfare government programs?

Pay-go is a stumbling block to good government. It must go.

COMMEMORATING FROSTBURG STATE UNIVERSITY'S CENTENNIAL ANNIVERSARY

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

Mr. BARTLETT of Maryland. Mr. Speaker, I rise to commend an extraordinary community and its school. Frostburg State University in Frostburg, Maryland, celebrates its 100th anniversary this Sunday.

Frostburg State University began as a community dream. Actually, it was the community coal miners' dream. It was a dream that all parents dream for their children: a better life than theirs. They knew the key to this dream was education.

These concerned parents made a deal with the State legislature. The deal? If the coal miners could raise the money to buy the land for a State normal school, the General Assembly would appropriate funds for the buildings. These parents literally went door-to-door collecting money from their neighbors to keep their end of the deal. In April of 1898, the General Assembly of Maryland appropriated the funds for Maryland Normal School No. 2, which was built and opened its doors to 57 students.

Today, Frostburg State University enrolls more than 5,000 undergraduate and graduate students and helps tens of thousands of dreams come true. Congratulations, Frostburg State University.

WE CAN TRUST AMERICANS TO DECIDE ON CAMPAIGN FINANCE REFORM

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

Mr. WELDON of Florida. Mr. Speaker, I would like to respond to the disingenuous statements made by liberal colleagues on the other side of the aisle. The other side talks as if one side of the aisle is on the side of the angels and supports campaign finance reform and the other side is against campaign finance reform. How ironic that the side that made a mockery of campaign finance reform laws in the 1996 elections now feels qualified to adopt a holier-than-thou attitude on this issue.

The truth is that the reforms that they are seeking are not even constitutional, which I guess is not surprising, given that post-sixties liberals are no longer champions of free speech. The liberals want to limit political speech. We do not. I think the American people are well qualified to decide this issue, once they know the facts.

PARENTAL INVOLVEMENT LEADS TO A BETTER AMERICA

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

Mr. NEUMANN. Mr. Speaker, it is a very special day here in Washington, D.C. I rise to extend a special welcome to a group of students that are out here, about 100 students from the Juneau School. It is a school where parents are actively involved. There are students here from Juneau, Hustisford, and Dodgeland, and we would like to express a special welcome to them this morning.

I think it provides an opportunity to talk about the fact that where parents are involved in the school and where parents are actively involved in their kids' lives, America benefits.

When we look at a school with students like what we have here this morning, where the parents are actively involved in the lives of these kids, we find that there is a dramatic drop in the probability of these students being involved in crime. We find a drop in the drug use rate. We find a drop in teen pregnancies in their future. We find less teen smoking. All the problems do not go away, but we sure recognize and understand that when the parents are actively involved in their kids' lives, like what happens at the school that is out here today, that certainly leads to a better America for all citizens.

JUDICIAL REFORM ACT OF 1998

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 408 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 408

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1252) to modify the procedures of the Federal courts in certain matters, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 303(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by striking section 9 (and redesignating succeeding sections accordingly). Each section of that amendment in the nature of a substitute shall be considered as read. Points of order against that amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI or section 303(a) of the Congressional Budget Act of 1974 are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. EWING). The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend, the distinguished gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purpose of debate on this subject only.

Mr. Speaker, House Resolution 408 is an open rule providing for the consideration of H.R. 1252, the Judicial Reform Act of 1998. The rule provides the customary 1 hour of general debate, equally divided between the chairman and ranking minority member of the Committee on the Judiciary.

The rule waives points of order against the consideration of the bill for failure to comply with section 303(a) of the Congressional Budget Act, which prohibits consideration of legislation providing new budget authority, changes in revenues, or changes in the public debt for a fiscal year until the budget resolution for that year has been agreed to.

The purpose of that section of the Budget Act is a sound one that we generally try to adhere to, keeping the budget process moving forward in a commonsense direction, with the budget resolution coming first and then allowing for subsequent consideration of the legislation that implements the provisions of the budget resolution.

In this case, however, we are technically required to provide this waiver, but our Committee on Rules has also provided a fix for the Budget Act problem. We have done that by making in order under this rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary, modified by striking section 9 of that amendment which caused the 303(a) problem and redesignating succeeding sections accordingly.

Section 9 of the amendment specifically deals with the process by which cost of living adjustments for Federal judges are implemented. The effect of that section would have been to create a new mandatory spending category in the budget, something that we tried not to do outside the normal congressional budget process.

Apart from the substance of that issue relating to pay for judges, the Committee on Rules has attempted in this rule to preserve the integrity of the budget process.

Mr. Speaker, the rule further provides that each section of the amendment in the nature of a substitute shall be considered as read, and it waives points of order against that amendment for failure to comply with clause 7 of rule XVI prohibiting nongermane amendments, or section 303(a) of the Congressional Budget Act, for the reasons I just explained.

The rule accords priority in recognition to Members who have caused their amendments to be preprinted in the CONGRESSIONAL RECORD, assuming those amendments are in accordance with the standing rules of the House.

It further provides that the chairman of the Committee of the Whole may postpone votes during consideration of the bill and reduce the voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote; and, finally, as is the custom, the rule provides for one motion to recommit, with or without instructions. That explains the rule.

Now, Mr. Speaker, with the exception of the technical Budget Act fix, this is a very straightforward rule. It is fair, and it is wide open. It allows all Members the chance to offer germane amendments and conduct thoughtful discussion about a very important subject.

I strongly support the premise behind this bill, that it is time to control judicial activism, the so-called runaway judges on the Federal bench. This statement alone is usually enough to generate controversy in many circles, and this debate is by no means a simple one, as it involves many of the most basic tenets of our democratic system and the separation of powers.

□ 1030

I think we could all come up with anecdotal evidence that there have been problems within the Federal judiciary with judges exceeding their charter and authority. The Committee on the Judiciary has, in my view, put forth a responsible product that deals with these problems by focusing on specific practices within the Federal courts that together constitute a real threat to the rights of citizens and the prerogatives of this Congress.

In my view, this legislation constitutes a measured and carefully justified response to legitimate problems. It is not simply throwing down the gauntlet. It is coming up with responsible solutions, which we will have ample opportunity to debate under an open rule.

I applaud the gentleman from Illinois (Mr. HYDE), and the subcommittee chairman, the gentleman from North Carolina (Mr. COBLE) for their work on this bill. Still, I know that many Members have concerns about specific provisions of the legislation. Those Members will have their opportunity to air their concerns and propose alterations during the open debate and amendment process established by this rule.

I urge support for the rule and the underlying bill. I look forward to a lively and informative debate.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume. I want to thank my colleague for yielding me the time.

This is an open rule. It will allow for full and fair debate on H.R. 1252, which is the bill that modifies certain procedures of the Federal courts.

As my colleague from Florida described, this rule provides for 1 hour of general debate equally divided and controlled by the chairman and the ranking minority member of the Committee

on the Judiciary. The rule allows amendments under the 5-minute rule, which is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer amendments.

Judicial decisions that force government action by their nature are unpopular. If those actions were popular, then the legislature and the administrations would have already taken them. Some of those unpopular decisions have resulted in the protection of our health, safety and civil rights. In recent years, some judges have assumed broad powers traditionally reserved for the legislative and the executive branches of State and local government. There is merit in some of the criticism of these actions when the result is an antigovernment backlash that weakens support for government.

But if this is a real problem, then the answer is really not this bill. I think the bill threatens to undermine the independence of the Federal judiciary and reduce efficiency. The Attorney General will recommend to the President that he veto the bill if it is passed in its current form. Mr. Speaker, even though the bill is flawed, there is nothing wrong with this rule. It is open. It should be supported. I support it.

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

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

May I inquire of my colleague through the Chair if he has any speakers? We have none, and we would just as soon get on with the debate, and yield the balance of the time, if that fits with the pattern from the other side.

Mr. HALL of Ohio. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Ohio.

Mr. HALL of Ohio. Mr. Speaker, I had expected two speakers, but they have not shown up. Therefore, I will yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I would be very happy to afford the gentleman an extra minute or so if he is aware that those Members are coming.

Mr. HALL of Ohio. I am not aware. I was just asked, before we started, they asked to speak on it. They have not arrived.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I will be managing the bill on our side. I think Members will have general debate. There will be an hour of general debate that is not going to be overfilled with requests for time. I think they can be accommodated.

Mr. GOSS. Reclaiming my time, if it is my time, I understand, and we have no speakers, and we are going to yield back in about a minute, and call for the question. We are not intending to call for a recorded vote. We believe that it is an open rule, and there is no need to do that.

We also agree with the distinguished gentleman from the Commonwealth of Massachusetts that there is ample debate opportunity today because of this very fair open rule that we have crafted. We are certainly looking forward to that debate, and would not want to put any impediment to it. Unfortunately, we are not quite logistically prepared to begin the debate.

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman will continue to yield, I thank the gentleman. I thought I would help him because he seems to be in no great hurry. We are not waiting for the Speaker to come back from Florida again, are we, like yesterday?

Mr. GOSS. Reclaiming my time, Mr. Speaker, I am delighted that the gentleman brought the Speaker's trip to Florida up. It shows the outreach that we have in this House to go to the important States in our Nation, Florida being the fourth most populace State, and a place where we will all go sooner or later, which we are very proud to represent, those of us who are there now. I believe the Speaker has returned from Florida, and has done brilliant things there.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I come before you today to speak to you about an important rule on an important piece of legislation. I am pleased that this rule is an open rule and that both Democrats and Republicans are able to come together on the floor of the House and offer reasonable common sense amendments that improve this bill. However, I am disturbed that the judicial pay raise amendments were not made a part of this rule. The Federal Judges do a lot more than just come to work. They interpret the law and preserve justice. Increasing Federal judicial compensation is important because the Federal Judiciary is composed of men and women who give up a lot of money to work in the public sector. We all know that they give up a lot for this special type of public service and they should be justly compensated for it. I have an amendment that was made in order. This amendment would permit a federal court to enter an order restricting the disclosure of information obtained through discovery or an order restricting access to court records in a civil case only after making a finding of fact that such order would not restrict the disclosure of information which is relevant to the protection of public health and safety. I am glad that this rule includes my amendment but it should have included amendments that improve and increase Federal judicial compensation.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. KNOLLENBERG). Pursuant to House Resolution 408 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1252.

The Chair designates the gentleman from California (Mr. RIGGS) as Chairman of the Committee of the Whole, and requests the gentleman from Illinois (Mr. EWING) to assume the chair temporarily.

□ 1042

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1252) to modify the procedures of the Federal courts in certain matters, and for other purposes, with Mr. EWING (Chairman pro tempore) in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Massachusetts (Mr. FRANK), each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Chairman, I yield myself such time as I may consume.

H.R. 1252, the Judicial Reform Act of 1998, is a restrained but purposeful effort to combat specific areas of abuse that exist within the Federal judiciary. The gentleman from Illinois (Mr. HYDE), as he spoke to the Committee on Rules yesterday, said this bill perhaps goes too far for some Members, not far enough for others. But that is not unlike much legislation that we consider in this hall.

Before describing what the bill does, however, let me emphasize what it does not do; namely, it will not compromise the independence of the Federal judiciary, which is an indispensable attribute for that branch of the Federal Government, nor is H.R. 1252 an attempt to influence or overturn legal disputes. Above all, we most certainly are not creating a novel, more lenient standard of impeachment to remove particular judges from the Federal bench without cause or to intimidate them with a threat of doing so. That said, the Judiciary Reform Act of 1998 is largely an amalgam of ideas developed by various Members of Congress that will curtail certain abusive practices within our Federal court system.

Specifically, the bill consists of six procedural changes in furtherance of this end. In addition, the four other reforms that will improve other matters related to article 3, Federal courts. The six core revisions set forth in the bill concern the following matters:

First, a featured component of the bill was initially developed by our colleague and good friend, the late Sonny Bono. It would require three judge panels to hear constitutional challenges of

State laws enacted pursuant to voter referenda. Under current law, a single judge possesses the power to invalidate the results of a State-wide referendum.

Second, H.R. 1252 would permit interlocutory or interim appeal of class-action certifications championed by the gentleman from Florida (Mr. CANADY). This provision would enable litigants to a class-action suit to appeal a decision certifying a national class prior to the conclusion of a trial.

Currently, defendants may expend a great deal of financial resources through trial only to find upon appeal that a class was improperly certified at the outset of litigation. Third, the measure infuses greater objectivity in the current process by which citizens may register complaints against Federal judges for misconduct.

Present law on the subject is premised on a peer review system by judges from the same circuit. Pursuant to the change set forth in this bill before us, complaints which do not speak to the merits of a decision, or are not otherwise frivolous will be referred to a different circuit.

□ 1045

This means that truly substantive complaints will be more objectively reviewed by judges who have no personal ties to the judge who is the subject of the complaint. The gentleman from Tennessee (Mr. BRYANT) and the gentleman from Indiana (Mr. PEASE) contributed to this section of the bill.

Fourth, H.R. 1252 would inhibit the ability of Federal courts to require States and local municipalities to raise taxes on the affected citizenry to pay for projects that the States and municipalities are unwilling to fund themselves.

While a Federal court may possess the technical right under certain conditions to devise such a remedy to redress a constitutional harm, we have carefully crafted some parameters that will constrain the practice of judicial taxation. The gentleman from Illinois (Mr. MANZULLO), whose district is home to a city which is subject to a judicial taxation order, contributed to this portion of the bill.

Fifth, the gentleman from Florida (Mr. CANADY) worked with our former colleague Dan Lungren, who presently serves as Attorney General for California, to create a procedural right for a litigant to request one time only that a different judge be assigned to his or her case. Some judges are so possessed of an injudicious temperament or are otherwise biased as to warrant this revision.

Sixth, it is has come to our attention that some Federal judges are unalterably opposed to enforcing the death penalty, even to the point of dragging their feet on expeditious consideration of habeas corpus petitions to forestall execution. Based on comments made by the gentleman from Massachusetts (Mr. DELAHUNT), this section of the bill would prevent the chief justice of a circuit from reserving all such petitions for one judge on an exclusive basis.

Mr. Chairman, there are three other items contained in the Judicial Reform Act that do not otherwise speak to abusive judicial practices but will nonetheless improve the functioning of our Federal courts. They are:

One, the permitted practice of televising proceedings in our Federal appellate courts and, for a 3-year period, in our district or trial courts, suggested to at the discretion of the presiding judge;

Second, the expedited consolidation of cases pertaining to complex, multidistrict disaster litigation;

And, third, the allowance of an additional 30 days, or a total of 60 days, for the Office of Personnel Management to appeal adverse personnel decisions consistent with appellate procedure for other Federal agencies.

Again, Mr. Chairman, these provisions are straightforward and restrained in their application and will assist in promoting equity for litigants and taxpayers within the Federal court system. I urge all Members to support passage of H.R. 1252.

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

Mr. Chairman, I ask unanimous consent that the bill be open for amendment at any point.

The CHAIRMAN. That request by the gentleman may be made after general debate has concluded and the Committee begins the 5-minute rule.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Let me say, I appreciate the gentleman making the request. Because even though it cannot be acted on until the 5-minute rule begins, Members who may be interested should know it is our intention to have amendments be in order at any point so they do not have to worry about a section-by-section reading. I do not believe we have a large number of amendments.

Mr. Chairman, the Subcommittee on Courts and Intellectual Property, on which I am pleased to serve with the gentleman from North Carolina (Mr. COBLE), has a good deal of business which we do in a nonideological way and in a nonpartisan way, and I am very proud of that. The intellectual property jurisdiction we have is an important one, and we have had some judicial reform bills.

This bill does not, however, conform to that pattern. This is an exception in that it is one on which I think we have some fairly sharp division, and the reason we have the division I think frankly stems from some frustration on the part of some of those on the other side.

There are people particularly in the very conservative wing of the Republican party, which I must say has outgrown wing status. It is now at least a wing and a tail and maybe another wing and a couple of beaks. They do not like some of the things that the courts do. I believe that their problem, however, is not so much with the courts as with the Constitution. And there is not a great deal we can do about the Constitution. We try.

We recently have sought on the floor, at least some have sought on the floor, to amend the Constitution with great regularity and with equal lack of success. The Congress has voted down half a dozen or more efforts to change the Constitution. Not being able to change the Constitution, the people in the conservative wing of the Republican party have decided to demonize it instead and to denounce the judges. But there is a great disconnect between the violence of the rhetoric and the actuality of the legislation.

I am going to vote against this bill. I am glad that the President plans to veto it if we pass it as-is, although we could make it passable under some aspects of the bill which I think are very useful. But even if it were to pass, it would have virtually no effect on the kinds of things that people complain of.

In fact, one of the most interesting facts is that, while people on the conservative side complain about this bill because they say it empowers an inappropriate form of judicial activism, it is very clear if we study this that they simply do not like the results. They simply do not like courts finding that this or that statute might not be permissible under the Constitution. Because if we look at the judges who have been judicial activists, what we find, of course, is that the most conservative justices of the Supreme Court, for example, are also the most judicially active.

Justices Scalia and Thomas, the two most conservative justices, strongly supported by the conservatives, have in fact voted to invalidate more statutes, to find more acts of Congress unconstitutional than their more moderate and liberal counterparts. If in fact they think it is a terrible idea for the Supreme Court to strike down statutes, then they would be very critical of Mr. Scalia and Mr. Thomas, the Religious Freedom Restoration Act that they did not like, the Brady Bill, parts of which they did not like. There are a whole series of them. And the conservative justices are in league.

One of the most glaring examples of this came recently with regard to a series of decisions in California where judges in California found referenda unconstitutional. Now, in a couple of cases, at least in one case, a district judge found the referendum unconstitutional under affirmative action. That district judge was promptly overruled. No harm was done to the cause of the

people who were against it. We went through the regular procedure.

And if we listen to my Republican friends, we might get the impression that they do not like the idea of a Federal judge invalidating a popular referendum. But if we got that idea, Mr. Chairman, we would be wrong.

Sometimes in an excess of their concern over a particular case, my friends on the other side overstate their allegiance to general principles. Because, in fact, when the people on the Republican Party do not like the result of a referendum, what do they do? Well, in California, they go to court and they ask a single district judge to invalidate it.

Indeed, it seems to me clear that, with regard to judicial activism, my friends on the other side have essentially the same position with regards to States'
rights. They are against it except when they like it. They are prepared to denounce it when it produces a result they do not like. But when it gets in the way of a result they like, then they ignore it. That is where they are on States' rights, and that is a perfectly valid viewpoint.

That is, it is valid to be result-oriented. It is valid to say, I am going to hope for the right decision. What is not intellectually valid, it seems to me, is to assert adherence to a principle to which one does not, in fact, adhere. And when we talk about States' rights but are prepared to disregard States' rights and talk reform and criminal procedure and economic regulation and consumer protection, then we really forfeit our rights to talk about States' rights. And when we denounce judicial activism but Honor Justices Scalia and Thomas, our two most active justices, then it seems to me we undercut our argument.

And with regard to the notion that somehow it is a terrible thing for a district court judge to invalidate a popular referendum, let me read a refutation of that view. I am reading from a legal brief.

The blanket primary is not valid because it apparently was passed by a majority of Democrats and Republicans who voted in the 1996 election. Voters cannot validly enact a law which conflicts with parties' rules governing the nomination of candidates and infringes their first amendment rights any more than can a legislature.

Let me read that again correctly. "Voters cannot validly enact a law which conflicts with parties' rules governing the nomination of candidates and infringes their first amendment rights any more anymore than a legislature."

Let me also now read. "Even if the electorate could enact statutes to regulate the selection of nominees for partisan offices, it cannot do so in a way that undermines the integrity of the electoral process."

And then quoting with approval another decision, "Voters may no more violate the Constitution by enacting a ballot measure than a legislative body may do so by enacting legislation. A court must undertake the same constitutional analysis of laws passed by initiative as by a legislature. There is little significance to the fact that a law was adopted by a popular vote rather than as an act of the State legislature. Indeed, there are substantial reasons for according deference to legislative enactments that do not exist with respect to proposals adopted by initiative." And that is a quote again from another decision.

Now, where do these arguments in favor of allowing a single Federal district judge to invalidate a referendum of the people of California if it was unconstitutional come from? What radical group, what group of anti-public elitists, what sneering left-wingers, unwilling to let the people decide, put this forward? Who says that, in fact, the legislative enactment might even get more deference from a court than the people? Who are these judicial activist encouragers who so sneer at the public? They are the California Republican Party.

I am quoting from the brief filed by the California Republican Party, Michael Schroeder, Shawn Steel, and Donna Shalansky. Not that Shalala. Donna Shalansky. It was filed July 28, 1997. Because the people of California dared to pass a referendum changing the way candidates are nominated for office which the Republican and Democratic Parties of California did not like.

So the Republican Party of California went to court with the Democratic Party of California and said, judge, you make those people stop violating my constitutional rights. And they wrote down here that just because the people did it in a referendum does not mean anything. In fact, it may mean it is even less entitled to respect than when the people do it.

□ 1100

Of course, we have a bill on the floor that does exactly the opposite. We have a bill on the floor that says that, if a referendum is involved, we have to have a three-judge court.

It just seems to me, Mr. Chairman, that there ought to be some limit to the extent to which a gap is allowed to exist between what people say they truly believe and what they do when it is important to them.

So what we have here is a cry of frustration. We have the right wing not liking the fact that the court sometimes enforces constitutional rights. So they talk about all the doctrines which they, it does not seem to me, follow themselves when they are inconvenient.

So they come forward with a bill which is mostly a nuisance and interference and a derogation from the efficiency of our Court system. We will be offering some amendments to try to clear that up. And absent the passage of those amendments, I hope the bill is defeated.

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

Mr. COBLE. Mr. Chairman, I yield 7 minutes to the distinguished gentleman from Illinois (Mr. HYDE), the Chairman of the House Committee on the Judiciary.

Mr. HYDE. Mr. Chairman, I will restrain myself from quoting the well-known line about a foolish consistency, because I tend to agree with the gentleman from Massachusetts (Mr. FRANK). I think consistency is a virtue, and I do not have the time to point out inconsistencies on the left.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman, because my good friend from Illinois and I do not always agree on the definition of virtue, so I am glad we do in this case.

Mr. HYDE. Mr. Chairman, that is right, at least in this instance. But I would like to suggest that I think he proves too much when he refers to this bill as somehow hostile to the vibrancy, the vitality, the importance, the significance of the Federal judiciary. Just the opposite; it is an effort to make the Federal judiciary work better.

We will have amendments here, and we will debate this issue, but I do not think there is anything in the bill that is hostile at all to the notion of the third branch of government and its very important role in the functioning of our democracy.

As to the three-judge panel, somehow the gentleman from Massachusetts views that as a derogation of authority, proper authority that belongs to the courts. I would just simply suggest that the notion of setting aside by injunction a referendum that has passed through a State process where members of the State have voted in the referendum is a topic of some significance and deserves the gravity of a three-judge court rather than just one judge.

I say that because we do this in the context of three-judge courts already deciding appeals from voting rights cases and reapportionment cases. I am sure the gentleman from Massachusetts supports enthusiastically the notion that three-judge courts have to hear voting rights cases. They are important. Three-judge courts ought to hear appeals on reapportionment because they are important.

We feel a State referendum is equally important. So rather than derogating from the importance of the Federal courts deciding these, we are adding some gravatas to the process by saying

where an entire State has voted on an issue, that the setting aside of that should be done by a three-judge court rather than one.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for yielding to me. I would say, as our friend from North Carolina had reminded us, the original reason for a three-judge court in the voting rights case had to do with the unfortunate history of judges in the South, who did not really believe in it. I do not think that there was need for it any further, and I would not insist on maintaining it.

I would say with regard to the substance of what the gentleman said, I understand his argument that there is something special about a referendum. But the California Republican Party filed a lawsuit directly contradicting that.

I would ask the gentleman, do the California Republicans, who serve on the Committee on the Judiciary, have they talked to the California Republican Party and tried to enlighten them and correct this error, which they have so strongly propagated?

Mr. HYDE. Mr. Chairman, I would say to my friend, the gentleman from Massachusetts, that is the one aspect of this controversy I have not researched. But I can also tell him that I will not research it. But, nonetheless, the purpose of the three-judge court is a recognition of the significance of an entire State voting on a referendum, and giving it the added dignity of a three-judge court to set aside the expressed wish of perhaps millions of people; the same as in voting rights appeals and in reapportionment.

Mr. FRANK of Massachusetts. Mr. Chairman, I ask the gentleman to yield.

Mr. HYDE. Mr. Chairman, this is almost amounting to harassment, but I, nonetheless, in the mood of accommodation, yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I seek no quid pro quo, so I do not think it is harassment.

Mr. COBLE. Mr. Chairman, I did not hear what the gentleman said.

Mr. FRANK of Massachusetts. Mr. Chairman, I seek no quid pro quo, so I do not think it is harassment because I am not the gentleman's supervisor.

I would say to the gentleman that I appreciate his talking about the relevance of respecting the wishes of millions of California voters in a referendum. I hope when the resolution condemning those same voters for voting for medical marijuana comes up that the respect that the gentleman is now showing for those California voters does not evaporate as rapidly as I fear it might.

Mr. HYDE. Mr. Chairman, I yield to the gentleman's superior knowledge on marijuana.

I simply would like to say that the rest of this bill deals with improvements in the Federal court system, abuses that can occur in class-action certifications, questions of judicial misconducts. Some of us feel those are better handled by a committee in another circuit rather than the circuit where the judge practices or sits.

We deal with questions of courts ordering taxing bodies to raise taxes. We feel that is a violation of separation of powers. We like to help avoid getting stuck, if I may use that inelegant term, with a judge who is inappropriate for a particular party or litigant or lawyer by letting us at least change once, which we can do in every circuit court throughout the country. We deal with cameras in the courtroom handling capital punishment appeals.

So this is a good bill. I do not doubt it is controversial. It is not hostile to the courts. We will have a struggle perhaps later on over judicial pay. Some people who just congenitally dislike judges will have their say, but that is for later in the day.

SUMMARY OF H.R. 1252, THE JUDICIARY REFORM ACT OF 1998

This necessary legislation addresses one of the most disturbing problems facing our constitutional system today—the infrequent but intolerable breach of the separation of powers by some members of the Federal judiciary.

THREE-JUDGE PANELS

The first reform contained in this bill was developed originally by a valued member of the Committee on the Judiciary, the late Representative Sonny Bono of California. Recognizing the unjust effect on voting rights created by injunctions issued in California by one judge against the will of the people of the State as reflected in Propositions 187 and 209, H.R. 1252 provides that requests for injunctions in cases challenging the constitutionality of measures passed by a state referendum must be heard by a three-judge court. Like other federal voting rights legislation containing a provision providing for a hearing by a three-judge court, the Judicial Reform Act of 1998 is designed to protect voters in the exercise of their vote and to further protect the results of that vote. It requires that legislation voted upon and approved directly by the citizens of a state be afforded the protection of a three-judge court pursuant to 28 U.S.C. §2284 if an application for an injunction is brought in federal court to arrest the enforcement of the referendum on the premise that the referendum is unconstitutional. This system already applies to Voting Rights Act and reapportionment cases.

In effect, where the entire populace of a state democratically exercises a direct vote on an issue, one federal judge will be able to issue an injunction preventing the enforcement of the will of the people of that state. Rather, three judges, at the trial level, according to procedures already provided by statute, will hear the application for an injunction and determine whether the requested injunction should issue. An appeal is taken directly to the Supreme Court, expediting the enforcement of the referendum if the final decision is that the referendum is constitutional. Such an expedited procedure is already provided for in other voting rights cases. It should be no different in this case, since a state is "redistricted" for purposes of a vote on a referendum into one voting block. The Congressional Research Service estimates that these three-judge courts would be required less than 10 times in a decade under this bill, causing a very insubstantial burden on the federal judiciary, while substantially protecting the rights of the voters of a state.

This bill recognizes that state referenda reflect, more than any other process, the one-person/one-vote system, and seeks to protect a fundamental part of our national foundation. This bill will implement a fair and effective policy that preserves a proper balance in federal-state relations.

INTERIM APPEALS OF CLASS ACTION CERTIFICATIONS

The second reform contained in this bill was developed by the Chairman of the Subcommittee on the Constitution, Representative Charles Canady of Florida. It allows immediate (interlocutory) appeals of class action certifications by a federal District judge.

When a District judge determines that an action may be maintained as a class action, the provisions contained in the Judicial Reform Act allow a party to that case to appeal that decision immediately to the proper Court of Appeals without delaying the progress of the underlying case. This prevents "automatic" certification of class actions by judges whose decisions to certify may go unchallenged because the parties have invested too many resources into the case before an appeal is allowed.

This bill will also prevent abuses by attorneys who bring class action suits when they are not warranted, and provides protection to defendants who may be forced to expend unnecessary resources at trial, only to find that a class action was improperly brought against them in the first place. As a practical matter, the outcome of a class-action suit is often determined by whether the judge elects to certify a class since certifications may guarantee that a plaintiff's attorney can extract a favorable settlement, irrespective of whether the certification was proper.

COMPLAINTS AGAINST JUDICIAL MISCONDUCT

The third reform contained in this bill was developed by another member of the Committee on the Judiciary, Representative Ed Bryant of Tennessee. It requires that a complaint brought against a federal judge be sent to a circuit other than the one in which the judge who is the object of the complaint sits for review. This will provide for a more objective review of the complaint and improve the efficacy of the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980, 28 U.S.C. §372 ("The 1980 Act"), which established a mechanism for the filing of complaints against federal judges.

Under those procedures, a complaint alleging that a federal judge has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts may be filed with the clerk of the U.S. Court of Appeals for the circuit in which the federal judge who is the subject of the complaint sits. Under the Act, a special committee will report to the judicial council of the circuit, which will decide what action, if any, should be taken.

By requiring that complaints filed under the 1980 Act be transferred to a circuit other

than the circuit in which the alleged wrongdoer sits, more objectivity and accountability will exist for litigants who find themselves in need of relief from a judge who is not properly performing his or her functions. In addition, the bill has been amended to limit out-of-circuit referrals to those cases in which a complaint is not dismissed as being incomplete, frivolous, or directly related to the merits of a decision or procedural ruling. This amendment represents an effort to respond to those critics who assert that the revision to existing complaint procedures will generate unnecessary and trivial administrative expenses for out-of-circuit judges. In other words, only "substantive" complaints will be referred out of circuit.

JUDICIAL TAXATION

The fourth reform contained in this bill prohibits a federal court from "expressly directing" or "necessarily requiring" that a state or municipality impose taxes on its citizenry, a function reserved to legislative bodies, for the purpose of enforcing a legal decision. Seizing the power of the public purse by imposing taxes on any community is an egregious example of how some members of the judiciary have breached this nation's founding principle of separation of powers and undermined the concept of self-rule.

In some cases, judges have designed in specific detail local school systems and public housing systems, and then ordered tax increases to finance the spending bills disguised in their judicial rulings. The most conspicuous example illustrating this problem is the ongoing case of *Missouri* v. *Jenkins*, in which the Supreme Court has issued three opinions and the court of appeals more than 20. In Jenkins, the Supreme Court ruled that while it was permissible for the lower court in the Kansas City school system to order the state or municipality to raise taxes to remedy a constitutional deprivation, it remanded and reversed the lower court decision based on the fact that the lower court lacks the authority to impose a tax itself; it must order the state or local municipality to do so. The Jenkins litigation also demonstrates that once a federal court seizes such a "structural reform" case, it will constantly reevaluate its progress for years until the "constitutional deprivation" has been cured.

State and federal laws leave budget and spending authority to legislative bodies, because only a body which represents the will of the people can decide properly how to spend the people's taxes. While rulings on due process are important to protect the rights of litigants, and remedy which would force the public to pay more in taxes must come from the House of the people and not from the authority of the bench. The judiciary is neither equipped nor given the power to make such decisions. To allow otherwise is to usurp self-rule and replace it with self-appointed authority. As four justices of the United States Supreme Court have stated, the imposition of taxes by courts "disregards fundamental precepts for the democratic control of public institutions. The power of taxation is one that the federal judiciary does not possess."

This bill will restore the proper balance defined in the Constitution between the federal branches and federal-state relations by forbidding any U.S. District court from entering an order or approving a settlement that requires a state or one of its subdivisions to impose, increase, levy, or assess any tax for the purpose of enforcing any federal or state common law, statutory, or constitutional right or law.

This reform contains a narrow, multi-part exception to the general prohibition of judicially-imposed taxation. Specifically, a court may not order a state or political subdivision to impose a tax unless the court first determines by clear and convincing evidence that: (1) there are no other means available to remedy the relevant deprivation of rights or laws, and the tax is narrowly tailored and directly related to the specific constitutional deprivation or harm necessitating redress; (2) the tax will not exacerbate the deprivation intended to be remedied; (3) the tax will not result in a revenue loss for the affected subdivision; (4) the tax will not result in a depreciation of property values for the affected taxpayers; (5) plans submitted by state or local authorities will not effectively redress the relevant deprivation; and (6) the interests of state and local authorities in managing their own affairs is not usurped by the proposed tax, consistent with the Constitution.

Finally, the bill specifies that the judicial tax provisions will apply to any action or proceeding pending on, or commenced on or after, the date of enactment. This was done at the behest of Representative Don Manzullo of Illinois, whose district is home to Rockford, a city which is subject to a court taxation order that has devastated local communities.

REASSIGNMENT OF CASES

The fifth reform contained in this bill was also developed by Representative Canady. It allows all parties on one side of a civil case brought in federal District court to agree, after initial assignment to a judge, to bring a motion requiring that the case be reassigned to a different judge. Each side of the case may exercise this option only once. Under the provision, a motion to reassign must be made not later than 20 days after the notice of original assignment of the case is given.

Because some critics believe the reassignment device might encourage forum-shopping and attendant delay, its application will be limited to the 21 largest federal judicial districts (each containing over 10 judges to allow a random reassignment) over a five-year period, thereby allowing Congress to evaluate its effects and to determine whether it ought to be extended to all districts and perpetuated in the future.

This substitution-of-judge, or, as referred to in the bill, "reassignment-of-case-as-of-right," provision mirrors similar state laws and allows litigants on both sides of a case to avoid being subjected to a particular federal judge, appointed for life, in any specific case. It might be used by litigants in a community to avoid "forum shopping" by the other side in a case, or to avoid a judge who is known to engage in improper courtroom behavior, who is known to be prejudiced, or who regularly exceeds judicial authority.

This provision is not meant to replace appellate review of trial judges' decisions, but rather to complement appellate review by encouraging judges to fairly administer their oaths of office to uphold the Constitution. Many judges face constant reversals on appeal, but still force litigants to bear extraordinary costs before them and further bear the burden of overcoming standards of review on appeal. This provision allows litigants some freedom in ensuring that due process will be given to their case before they bear the costs associated with litigating in trial court and will encourage the judiciary to be as impartial as required by their charge.

HANDLING OF CAPITAL PUNISHMENT APPEALS

The sixth reform set forth in H.R. 1252 was developed in response to the May 14, 1997, testimony of Charlotte Stout, who participated in an oversight hearing on judicial misconduct, and comments made by Representative William Delahunt of Massachusetts. Ms. Stout's daughter was raped and murdered by a man who sat on death row for 18 years as a result of filing numerous habeas petitions at the state and federal level. His federal petition was handled by a judge who delayed its consideration for four years before ordering a new trial. This same judge handles all habeas petitions in that judicial circuit, and has delayed consideration of all capital cases appealed to that circuit by a minimum of 65 years. All cases on which he has reached a final decision have resulted in an over-turning of a jury verdict to impose execution. In effect, this judge has taken it upon himself to usurp the decision of a jury to impose the death penalty. Pursuant to the bill, the chief judge of a circuit could neither handle all habeas cases by himself or herself, nor delegate the responsibility on an exclusive basis to another judge.

CAMERAS IN THE COURTROOM

A seventh reform would permit a presiding judge, in his or her discretion, to permit the use of cameras during federal appellate proceedings. Based on legislation introduced by Representative Steve Chabot of Ohio, the change mirrors state efforts to provide greater public access to the workings of the judiciary. The Committee on the Judiciary also adopted an amendment offered by Representative Chabot which creates a three-year pilot program allowing televised proceedings in any U.S. District (trial-level) proceeding, subject to the discretion of the presiding judge.

JUDICIAL PAY

An eighth reform includes parts of legislation introduced by Representative Henry Hyde of Illinois, Chairman of the Committee on the Judiciary, that would grant federal judges an annual cost-of-living adjustment unless Congress takes action to the contrary.

COMPLEX DISASTER LITIGATION

With Representative Jim Sensenbrenner of Wisconsin as its chief advocate, a ninth reform consists of language which the House passed in the 101st and 102nd Congress, and which the full Committee on the Judiciary passed in the 103rd Congress. This language is intended to improve the ability of federal courts to handle complex multidistrict litigation arising from a single accident, such as a plane crash.

Briefly, these changes would bestow original jurisdiction on federal District courts in civil actions involving minimal diversity jurisdiction among adverse parties based on a single accident where at least 25 persons have either died or sustained injuries exceeding $50,000 per person. The District court in which such cases are consolidated would retain those cases for purposes of determining liability and punitive damages, and would also determine the substantive law that would apply for findings of liability and damage. Returning individual cases to state and federal courts where they were originally filed for a determination of compensatory money damages (and where all relevant records are located) is fair to the plaintiffs or their estates.

These changes should reduce litigation costs as well as the likelihood of forum-shopping in airline and other accident cases. An effective one-time determination of punitive

damages would eliminate multiple or inconsistent awards arising from multiforum litigation.

AGENCY (OPM) APPEALS OF ADVERSE PERSONNEL DECISIONS

The tenth and final reform of H.R. 1252, proposed by Representative Conyers of Michigan, would permit the Office of Personnel Management (OPM) to appeal final decisions of the Merit Systems Protection Board (MSPB) and final arbitral awards dealing with adverse personnel actions to the Federal Circuit within 60 days from the time final notice of a decision is received. Currently, OPM must file its appellate briefs within 30 days, which is half the time allotted to other federal agencies.

This bill is limited in scope. It reforms the procedures of the federal courts to ensure fairness in the hearing of cases without stripping jurisdiction, or reclaiming any powers granted by Congress to the lower courts. It does assure that litigants in federal courts will be entitled to fair rules of practice and procedure leading to the due process of claims.

Mr. FRANK of Massachusetts. Mr. Chairman, I reserve the balance of my time.

Mr. COBLE. Mr. Chairman, I yield 5½ minutes to the distinguished gentleman from Texas (Mr. DELAY), the majority whip for the House.

Mr. DELAY. Mr. Chairman, I thank the Chairman for yielding. I want to commend the chairman of the subcommittee and the chairman of the full committee and the Members of the Committee on the Judiciary for their very hard work and effort in what I consider a much needed piece of legislation.

The system of checks and balances so carefully crafted by our Founding Fathers is in serious disrepair and has been for years. This bill takes a very necessary step to bring the courts back into constitutional order.

The Founding Fathers established a system of government in the United States that does not allow one branch to become too powerful at the expense of the other. I contend, quite frankly, if we read the Constitution as it originally was written and intended, the judiciary branch was supposed to be the weakest branch of the three created by the Constitution.

Contrary to the opinion of the liberal legal establishment of this country, judicial power is not limitless. Judicial power does not equal legislative power. Judges apply the law. They are not to make the law. When judges go further and unilaterally impose legislative remedies, they exceed the legitimate limits of power given to them by the Constitution.

When judges legislate, they usurp the power of Congress. When judges stray beyond the Constitution, they usurp the power of the people. For instance, under the Constitution, only Congress can lay and collect taxes. But that did not stop District Judge Russell Clark from ordering tax increases from the bench.

That tax increase, and 2 billion tax dollars, turned the city school district into a spending orgy, complete with editing and animation labs, greenhouses, temperature-controlled art galleries, and a model United Nations that was wired for language translation. If that is not taxation without representation, I do not know what it is.

Another example of a judge tossing aside the Constitution and supplanting his own personal biases was the decision of the District Court Judge, Thelton Henderson, prohibiting the State of California from implementing the California Civil Rights Initiative, the CCRI.

The CCRI simply removed the opportunity for State officials to judge people by their race and their sex, a practice that I think most Americans consider repugnant. In a ruling that turned common sense and our Constitution on its head, Justice Henderson ruled that by adopting the equal protection clause of the 14th amendment, the voters of the State of California had violated that same 14th amendment.

Although judicial taxation and Judge Henderson's circumvention of the Constitution are two extreme examples of judges breaching the separation of powers, there are, of course, many, many others.

Judges have created the right to die. Judges have prohibited States from declaring English as an official language. Judges have extended the right of States to withhold taxpayer-funded services from illegal aliens, all without sound constitutional basis.

Now, some Federal judges have even made themselves the sovereigns of the cell blocks, micromanaging our State prisons, and forcing changes in prison operations that have resulted in the early release each year of literally hundreds of thousands of violent and/or repeat criminals out on our streets and the streets to plague our families.

In 1970, not a single prison system was operating under the sweeping court orders common today. By 1990, some 508 municipalities, and over 1,200 State prisons were operating under some judicial confinement order or some consent decree.

In New York City, judges have forced prison officials to require that only licensed barbers cut the hair of the prisoners; that sweetened coffee may never be served at meals for the prisoners; and a court-appointed monitor must be given a city car within one grade of the prison commissioner's car. If it were not so appalling, it would be funny.

But if that is not enough, the same activist judges have also imposed prison caps, mandating the release of violent felons and drug dealers before they have even served their time.

Later today, the gentleman from Pennsylvania (Mr. MURTHA) and I will offer an amendment that will end this travesty of justice caused by overactive judges. Our amendment will prohibit a Federal judge from ever releasing a felon from prison because of claims of prison overcrowding.

The prisoners claim of overcrowding has become a get-out-of-jail-free card. And we say no longer. No longer will these prisoners plague our families, and our cities, and in our towns.

I urge my colleagues to support the Hyde bill and the DeLay-Murtha amendment. The time has come to reestablish our system of checks and balances and to restore sanity to our criminal justice system.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the ranking member of the full committee.

Mr. CONYERS. Mr. Chairman, I thank the gentleman from Massachusetts for yielding to me.

Mr. Chairman, I was delighted to hear the majority whip, constitutional expert in his own right, whose opinions I respect very much, and which will become very much in focus today. The gentleman from Texas (Mr. DELAY), majority whip, is the same Member of Congress who claims it is time we impeach judges whose opinions consistently ignore their constitutional role, violate their oath of office, and breach the separation of powers.

□ 1115

That is a quote.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Texas.

Mr. DELAY. Does the gentleman believe that a judge should not be impeached that violates his oath of office and violates the Constitution?

Mr. CONYERS. I will get to that later. Right now I am making my own presentation, and I wanted to make sure I am quoting the gentleman correctly.

Mr. DELAY. Will the gentleman yield?

Mr. CONYERS. I yield to the gentleman, yes.

Mr. DELAY. The gentleman from Michigan is absolutely quoting me correctly.

Mr. CONYERS. All right, that is all I need. The majority whip should use his own time.

Now let me ask the majority whip, who is enjoying this as much as I am, "Do you have any judges in mind since you made that statement a few months ago or do you plan to do anything about your pronouncements on that subject?"

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. With pleasure.

Mr. DELAY. I got a list and it is growing, yes, sir.

Mr. CONYERS. The gentleman from Texas got a list and it is growing.

Well, does the gentleman plan to ever do anything with the list, though? That is the point, and I yield again.

Mr. DELAY. I will be glad to consult with the gentleman when I have a candidate that has violated his oath of office and the Constitution.

Mr. CONYERS. Okay. Then that means up to now the gentleman does not have a candidate but he has got a list.

Mr. DELAY. Will the gentleman yield?

Mr. CONYERS. Yes, sir.

Mr. DELAY. I thought the list of candidates is what I was referring to. I have got plenty of candidates, yes. I am just looking for one that is particularly bad in violating the Constitution and his oath of office, yes.

Mr. CONYERS. I get it. Then the gentleman does not have a candidate right now. He has got a list. And I am not yielding any more. The gentleman from Texas can get time. I got a way for him to get as much time as he wants, but it is on the other side on his own time.

Okay.

Mr. DELAHUNT. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. If the gentleman would inquire of the majority whip to give us the names on that particular list.

Mr. CONYERS. No, I am not going to go there. I am not going to go there. He has got a list and he is working on it, but he does not have a name yet so I got to wait. Said just stay tuned and he is going to make his presentation when the time comes.

Mr. DELAHUNT. Will the gentleman continue to yield? Could he reveal to us the number of candidates that are on it?

Mr. CONYERS. I am not going to go there, either. Maybe he will tell us today, maybe he will not. Maybe he will come up with a list next month. Who knows? That is what he is telling me.

Well, now, "Congressional Republicans yesterday rallied," this is the great Washington newspaper, the Washington Times, "Congressional Republicans yesterday rallied behind House Majority Whip Tom DeLay's announcement that the GOP will pursue impeachment proceedings against activist Federal judges."

Now I would like to gain the distinguished majority whip's attention again. Excuse me, sir, if I may gain your attention again.

Mr. DELAY. Is the gentleman going to yield to me now?

Mr. CONYERS. Just a moment. I just want to gain the gentleman's attention first. Okay. I thank the gentleman. "Congressional Republicans yesterday rallied behind House Majority Whip Tom DeLay's announcement that the GOP will pursue impeachment proceedings against activist Federal judges."

And I will be happy to yield to the gentleman. What generally is his description of activist Federal judges?

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Texas.

Mr. DELAY. I appreciate the gentleman giving me this opportunity.

Mr. CONYERS. It is a pleasure.

Mr. DELAY. First of all, I did not write that.

Mr. CONYERS. I know the gentleman did not.

Mr. DELAY. I am not looking to impeach activist judges. What I am looking for are judges that violate their oath of office and judges that violate the Constitution of the United States.

Mr. CONYERS. Okay. Then the Washington Times is wrong again, and to the extent that they are incorrect I apologize for bringing it to the gentleman's attention.

Mr. DELAY. Will the gentleman yield again?

Mr. CONYERS. I yield to the gentleman from Texas.

Mr. DELAY. They just used the wrong word.

Mr. CONYERS. I see. What word should they have used?

Mr. DELAY. Judges that violate the Constitution and their oath of office.

Mr. CONYERS. So this is not about activist judges. Okay. Well we are getting someplace.

Now here is the problem with this bill. There was a section in H.R. 1252 granting parties in the 21 largest Federal districts the right to peremptorily challenge a Federal judge's right to hear a civil action. In effect, listen carefully, Republican Members of this House, in effect this provision permits prejudicial challenges based on the race or gender of the judge.

Now, current law already provides a clear and coherent statutory regime for removing judges in appropriate circumstances, and it has been working pretty well all these years. But now today, 1998, we get a proposal in this bill that goes well beyond removing judges for cause and allows the parties to remove judges for no stated reason whatsoever, no stated reason whatsoever.

This is what the Republican lawyers on the House Committee on the Judiciary propose we do to the Federal courts today, for no reason, any reason. These are lawyers on the Committee on the Judiciary seriously proposing that that is what we do, and I say that is wrong.

In addition, these challenges would not require the exercising party to make any showing or even any allegation of bias on the part of the judge. In other words, "I don't like that judge, let's get another judge." Does the gentleman know what that would do to the judicial process in the Federal system? Every judge that walks into every court where he is assigned, a judge, any party that does not like the judge, they get another one. And they go there and they get another one. They do not like the next one, someone else objects.

And this is a serious proposal, my colleagues. I think we ought to take a good look at this and find out just what is fueling this desire to allow every lawyer that comes into Federal court to forum shop. I do not think it is proper, and I do not think that it ought to be in the law. The judges are not too thrilled about it either. The delay would be incredible, and the Judicial Conference is a little bit exercised, as my colleague can believe.

A preemptive challenge would be devastating of this kind. All the expertise that a judge acquired regarding the cases developed over many months would be lost. New judges would have to educate themselves regarding the attendant cases, with delay and expense.

And so we are asking that this provision be stricken from the bill. We hope that a lot of Members, lawyers and constitutional experts and Members that do not make that claim, will join us in opposing this section of the bill.

Mr. COBLE. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. BONO).

Mrs. BONO. Mr. Chairman, as one of the newest Members of the 105th Congress, I want to express what a privilege it is to arrive at this great institution and participate during these important debates.

As one of my first official acts I am very proud to rise today to support the bill under consideration, the Judicial Reform Act of 1997. This is a very good bill, and among its important provisions is one of special significance to the voters of my district, of my State and to myself. Section 2 of the bill reflects the bill, H.R. 1170, which was my late husband's first piece of legislation in Congress and which passed this House last Congress. This is a simple but long overdue measure that will protect the franchise of democracy.

This provision, as my colleagues already know, establishes a three-judge panel to review the constitutionality of voter-passed initiatives. When a single Federal judge can block the will of the people for years at a time, that is one of the most antidemocratic features of our legal system. For the voters of California and other States that have initiatives, justice is delayed, and thus it is denied.

Quickly I want to spell out three reasons why the three-judge panel provision should be passed by the House today. This is a commonsense idea; it will make the Federal courts more objective in the way they review cases arising from a vote of the people.

This is a mainstream idea. This measure was part of the American

legal system for years, and in my view we are bringing back something that has an important role in protecting our democratic system. Every Member knows that the three-judge panels are used today in voting rights and apportionment cases.

And, finally, this is a bipartisan idea. The three-judge panel bill, H.R. 1170, was supported by an overwhelming and bipartisan vote of this body in the last Congress. The bill we are considering today also contains provisions that Republicans and Democrats should unite to support.

In closing, I want to commend the gentleman from Illinois (Mr. HYDE) and the gentleman from North Carolina (Mr. COBLE) for their hard work in bringing this excellent bill to the floor. Again, I ask every Member to support this provision and pass this bill.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS), a member of the committee.

Ms. WATERS. Mr. Chairman, I rise in opposition to this odious bill. This bill may as well be called the anti-Thelton Henderson bill. Republicans got upset with one Federal district judge's decision regarding proposition 209, and now they want to change the whole judicial process. These changes would make it possible to pick and choose with no justification. Thus, black judges, Latino judges, women judges would be challenged simply because of their color.

The changes they propose are outrageous. They want to make it easy for racist and sexist judges to hear cases in civil actions. They want the Reagan-Bush appointed court of appeals judges to control the decisions about the constitutionality of State referenda issues. They want to restrict Federal district courts from enforcing rights laws if there are any fines involved.

Now, after proposing all of that, the Republicans dangle the cameras in the courtroom provision as if to make a concession. Well, I am not falling for it. Now I wholly support the opening up of the judiciary. Cameras would help the public understand the justice system. But I will not sacrifice the integrity of the entire Federal judiciary for one good provision.

This bill is unconscionable and unconstitutional. Tampering with the Federal justice system to get back at one judge's decision is petty and dangerous, and shame on my colleagues for pushing this bill, shame on all of us if we vote for it.

I strongly urge a vote of "no" on H.R. 1252.

Mr. COBLE. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. BRYANT), a member of the Committee on the Judiciary.

Mr. BRYANT. Mr. Chairman, this legislation before us was created after a number of judges across this country have began taking away rights and liberties in many of the cases before them, and the portion of this bill that I strongly support and actually authored has an impact in this situation when it comes to filing ethical complaints against judges by people who feel that they have been wrongfully treated in those courtrooms. And what it does, it removes the issue of appearance of conflict of interest, possible bias and favoritism in the review of these ethical complaints against the judges now presently done by that judge's own colleagues.

□ 1130

The process is once a complaint is filed, it is given to the clerk of the circuit court, who then passes it on to the chief judge.

My proposal allows this chief judge to ferret out, to eliminate those frivolous claims, and those claims that are based on the judge's ruling itself, which is not proper, or those incomplete complaints. But once he finds there is some merit to a complaint against a judge, rather than allow, as I said before, the judge's own colleagues within that circuit court to determine whether or not that judge is guilty of an ethical violation, I simply ask the courts to allow that to be moved over to another circuit, to other judges, who perhaps do not know that judge as well.

What that simply does is allow the person who filed that complaint, the citizen, to have a fair hearing of that complaint against the judge, without the appearance of a conflict of interest, without the appearance of favoritism by colleagues. Whether that exists or not, at a minimum, the appearance exists.

It is a question of freedom and fairness. This legislation would protect those filing such a grievance, such a complaint, and allow it to be heard by judges who do not have that friendship or who do not have that working relationship with the judge under issue.

Mr. Chairman, I close by simply urging my colleagues to support this bill. It is a very good bill.

Mr. COBLE. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas (Mr. HUTCHINSON), a member of the Committee on the Judiciary.

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman for yielding me time. I appreciate the leadership of the gentleman on this important issue.

Mr. Chairman, I rise in support of H.R. 1252, the Judicial Reform Act, and want to speak about two provisions of the bill.

The first one is one long-championed by our former colleague, Sonny Bono, which ensures that the will of millions of voters is not overturned by a single Federal judge. Of course, the illustration was given in the State of California, but that can be duplicated in Arkansas, in which the initiative petition drive alternative of the voters is utilized quite frequently.

Whenever we have a ballot initiative that is passed by the voters, I think it is wrong to have that potentially overturned by one single Federal judge. I believe the three-judge panel is a better procedure because it preserves the right of judicial review, which I believe in. Yet at the same time it ensures it is not going to be passed on the whim of one Federal judge, but would at least require three to review and act upon what the voters of a particular State have done, and it would be a due regard for the Constitution of the United States.

The second thing that I believe is important in this provision is the section that prohibits Federal judges from levying taxes on localities or municipalities as part of a settlement or a court ruling.

Mr. Chairman, I believe that our constituents are probably wondering why we are even debating this, because the Constitution gives Congress the sole authority to impose taxes on the citizens. Because of what has happened in one particular case in Missouri, there is the fear that it could happen again. So this kind of judicial activism is, indeed, considered an outrage by the American public, and this legislation will ensure it does not happen again in our localities.

So I believe that this is appropriate. It is responsible legislation; it has a good balance between the judicial review that is appropriate for judges to maintain, but yet we in this Congress are sworn to uphold the Constitution of the United States as well.

I believe that this legislation is in line with our constitutional authority, and I would ask my colleagues to support it.

Mr. COBLE. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT), a member of the Committee on the Judiciary.

Mr. CHABOT. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the Judicial Reform Act. As my colleagues know, this legislation contains language authored by the gentleman from New York (Mr. SCHUMER) and myself that would permit Federal judges in appropriate situations to allow the televising of civil and criminal trials or appeals. Again, it would permit it, but it would not require cameras in the courtroom. It is at the discretion of the trial judge.

Open, public trials have a longstanding tradition in our country. The framers of the Constitution required public trials because they recognized that a thriving democracy depends on a well-informed public. They knew that the public needs to see how an important branch of the Federal Government works, or, in some cases, does not

work, and they understood that the dignity of the court comes from the courtroom itself and from the values and beliefs on display.

Those values and beliefs are invigorated, not undercut, as opponents of open government would argue, by giving the people the ability to see our judicial system in action.

Chief Justice Berger, for example, once wrote, "People in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing."

An informed citizenry also is essential to our constitutional system of checks and balances. The Federal courts play a very important part in our government. Federal judges, after all, serve for life. The American people deserve the opportunity to see how they operate. We need to encourage deeper understanding and further national discussion of the proper and properly limited role of the Federal judges.

In an age where new technological breakthroughs are made every day and televisions are present in virtually every American home, it is inconceivable that access to the courts would be strictly limited to those Americans who have the time and ability to personally visit a courthouse.

Our Founding Fathers over 200 years ago wanted our Federal courts to be open, and they are open. But who has the time nowadays to take off of work or to take away from the time in raising their families to go down to the Federal courts, which are generally downtown? They should have the ability to view what is going on in those courtrooms at home. After all, those courts do not belong to the judges; they belong to the people.

Mr. Chairman, I urge passage of this bill.

Mr. FRANK of Massachusetts. Mr. Chairman, to close for us, I yield the balance of my time to the gentleman from North Carolina (Mr. WATT).

The CHAIRMAN pro tempore (Mr. EWING). The gentleman from North Carolina is recognized for 8 minutes.

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I actually had tried to restrain myself from taking time in general debate on this bill because I had very, very mixed emotions throughout this debate.

I had the pleasure of practicing, sometimes the pain, of practicing law for 22 years before I was elected to Congress. There have been many, many times during that 22 years that I would have longed for the opportunity to be given the right to strike a judge and select another judge.

There have been many times during that 22 years that I was on the verge of losing confidence in a process, and had to step back from it and evaluate the process that was there in our court system, and try to say to myself, how would I do this differently if I were designing a court system?

So, in a sense, I guess I can empathize with my Republican colleagues who would like to make a substantial change in our judicial system because they have a sense of frustration about some aspect of it.

There is probably not another person in this body, if there are, there are probably only a few, who have had a judge look at them or their law partners and call them a "nigger" in the courtroom. I would love to have had the opportunity to strike that judge and go on to another judge.

There is probably nobody who has, as much as I, been involved in a system that had a three-judge panel, and recognized the benefits and detriments of having a three-judge panel in litigation.

But when all is said and done, what we have to recognize is that we operate in a system that is unique to our country. I am in the majority a lot in this House, but I cannot start changing every rule that sometimes cuts in my favor and sometimes cuts against me. There has to be a set of rules that govern any kind of organized system, and our court system has a set of rules that govern it.

So while I have experienced that frustration that some of my colleagues have talked about, what I have said to myself over and over and over again is that our system has to be protected. Otherwise, there is no rule of law; there can be no justice. We substantially undercut it when we start selectively trying to take some result and change it by changing the whole process under which we operate.

That is what this bill does in substantial measure. It gives every citizen the opportunity to come in and say, I don't like this judge because I don't like what color he is or what gender she is or what political perspective they have, and therefore I am going to exercise a peremptory challenge, just like we do in a jury pool.

That is an unprecedented change in our system. One, which I would have loved to have had on many occasions, but I have understood would undermine the system of justice that we have substantially in our country.

Yet, my colleagues would come in here and whine and say I don't like the result, therefore I am going to change the whole system and give everybody in America the right to delay trials and subvert the system. This, my friends, is not a good bill.

It may have some superficially appealing aspects to it, some which I can understand and empathize with, but we must protect the system of justice and the rules of the road, and we cannot start making them subject to who is in power in the Congress of the United States and whether it is Conservatives versus Liberals. We must have rules under which we operate.

Once we undermine those rules, as this bill does substantially, then we have undermined our whole system of justice in this country.

So I beg my colleagues on both sides of the aisle to evaluate this bill and see if this really is where they want to be. It may serve some short-term political objective that they have, but what does it do to the confidence of the public in our judiciary and in our judicial system?

□ 1145

At the end of the day, after my colleagues have made that kind of evaluation, I believe, if they are acting in the interests of justice and the integrity of our system, they will reject this bill so that we can have a reasonable set of rules that have governed our system for years and years and years and do not delay the trial of cases in our system.

I ask my colleagues to vote against this bill, even though it may have some political, superficial benefit to them.

Mr. COBLE. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, if there is any phrase that sums up the reason for the existence of this Republic, that phrase is "no taxation without representation." That is not the phrase of DON MANZULLO. It is the phrase of Thomas Jefferson, who, when he wrote the Declaration of Independence, cited King George for three things: that King George, III, refused to pass laws that would allow people the right to be represented in their own legislatures; that he called together legislative bodies at unusual times so nothing could be done; that he imposed taxes on us without our consent.

Taxation without consent gave rise to the Boston Tea Party, and it gave rise to the Constitution that was written in 1787, a document so magnificent that author Flexner has said, never before in history had people gathered together to write a document by which people can govern themselves.

Two of the people who had a tremendous impact on that Constitution were Hamilton and Madison. Hamilton said, in Federalist Paper 78, "The judiciary has no influence over either the sword or the purse, no direction either of the strength or of the wealth of the society."

And Madison said in Federalist Paper 33, "What is a power but the ability or faculty of doing a thing? What is the power of laying and collecting taxes but a legislative power?"

And so powerful were those words, Mr. Chairman, that they were written into article 1, section 7, that said, "All bills for raising revenue shall originate

in the House of Representatives." It is very clear, any Federal attempt to raise taxes must come in the people's House, and it must come by people who have to stand for reelection every 2 years.

But history has not proved that out, because it is not only in Kansas City, Missouri, where the judge has raised $2 billion worth of taxes, but it is in Rockford, Illinois, where an unelected magistrate ordered the members of the school board to either raise taxes or go to jail for the purpose of implementing a desegregation plan.

That is taxation without representation, and that is why we are here today, because Madison compelled it whenever one branch of government would become predominant over the other. In fact, in number 47 he said, "The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny."

We are here, perhaps for the first time since the Constitution was adopted, perhaps for the first time that the House of Representatives has been here in existence, for the first time in history, to argue Congress should take back from the judges the power to tax.

Mr. BERMAN. Mr. Chairman, I rise in opposition to H.R. 1252. There are many in this chamber who from time to time have disagreed with decisions rendered by federal judges. Count me among them. But I have always felt that our independent life-tenured federal judiciary is one of the glories of the American system of government, and that efforts by the Congress to retaliate against particular decisions are inimical to our larger stake in the preservation of the American constitutional system.

That is why I am so strongly opposed to H.R. 1252. It is simply wrong to manipulate court jurisdiction and procedure as this bill would do to try to make it more or less likely that the federal courts will reach particular results.

I am particularly concerned that H.R. 1252 seeks to strip the remedial power of the federal courts, to the detriment of all Americans. By prohibiting a federal district court from entering any order or approving any settlement that could require a state or local government to raise taxes—and applying this provision to pending cases, to boot—the bill deprives all Americans of effective recourse for the vindication of their rights under federal law. As critics have noted, *Brown v. Board of Education* required expenditures to desegregate the public schools. Would the proponents of this bill suggest that the authority of the federal courts should have been limited to declaring segregation unconstitutional, and the courts barred from ordering desegregation?

And on the very week that we celebrate Earth Day, please do not tell me that we are going to deprive the federal judiciary of the ability to effectively enforce the nation's environmental laws. For all these reasons, I urge support for the amendment to be offered by our colleagues Mr. DELAHUNT and Mr. BOEHLERT to strike Section 5 of the bill.

I also note with great concern that Section 6 of the bill would grant parties in federal court the right to remove the judge randomly assigned to their case. Because due process guarantees an impartial judge, under current law a party can seek to remove a judge for bias or prejudice. But to go further and allow peremptory strikes is to "replace the traditional process with a dangerous alternative. * * * We would be wrong to buy into a proposed reform whose basic effect is to influence judges through considerations extrinsic to the merits of a case." That is the analysis of the eminent Chief Judge of the 4th Circuit, J. Harvie Wilkinson, widely viewed as a conservative Republican jurist. Why would we seek to introduce strategic judge-shopping based on a judge's race, gender, or experience before taking the bench, into what is now the impeccably random assignment of judges to cases, and in so doing risk chilling decisionmaking in difficult cases?

I am heartened that my neighbor and colleague form California, Mr. ROGAN, will join in seeking to strike Section 6 later today. In light of his experience as a judge, I hope my colleagues will carefully consider the concerns which prompt him to offer his amendment.

I also want to make note of Section 2 of the bill, which would bring back into federal judicial practice a mechanism largely discarded by Congress in 1976 as inefficient and unwieldy, namely three judge panels in the district court. Section 2 would require a three judge court in all cases involving constitutional challenges to state referenda and initiatives. The authority of the federal judiciary to hear and decide constitutional questions, including challenges to state laws, should not turn on whether the challenged law was enacted by a state legislature or by a state's voters. Indeed, Section 2 would create the anomalous result that identical laws adopted by two different states would be treated completely differently by the federal courts. Because appeals of decisions of three judge courts are heard on an expedited basis by the Supreme Court without the benefit of circuit court review, the laws of those states where the referendum and initiative processes do not exist could be placed at a disadvantage. Why would we do that?

In all of these instances, I believe the legislation before us threatens the independence of the federal judiciary and imposes increased delays and costs for our constituents who seek recourse in the federal courts. This legislation endangers the balance among the branches of government so carefully wrought by the Founding Fathers and threatens the vindication of our constitutional rights. I urge its defeat.

Mr. PACKARD. Mr. Chairman, today we will consider the Judicial Reform Act, a piece of legislation that will curb judicial activism by restraining judges who use their authority to advance political agenda rather than uphold the laws set forth in the Constitution. As it stands now, federal, district and circuit court judges wield an enormous amount of power, and yet are accountable to no one. They are not elected, but are appointed for life.

Judicial activism has taken its hold throughout the country. Recently, a federal judge in California declared State proposition 187 unconstitutional, succumbing to political pressures rather than preserving the liberties of law-abiding citizens. Now illegal immigrants will enjoy public benefits at the expense of American taxpayers. Proposition 187 was a ballot initiative that was studied and passed by voters in California. One individual had the power to overturn a statute that was agreed upon by a majority of the electorate. Mr. Chairman, this is not democratic and it is far from constitutional!

The Judicial Reform Act will restrict judges who practice judicial activism, designating a panel of judges to review U.S. district court decisions when they may be perceived as unconstitutional. Establishing new rules is the only way to halt this growing problem. Mr. Chairman, I urge my colleagues to take a closer look at how judicial activism is negatively impacting their constituents and to support the Judicial Reform Act.

Mr. TANNER. Mr. Chairman, I rise today to bring to the attention of my colleagues a particular provision of H.R. 1252—section seven: random assignment of habeas corpus cases.

This section was added to the bill as a result of the testimony of one of my constituents, Mrs. Charlotte Stout of Greenfield, Tennessee. I'd like to submit the testimony of Mrs. Stout for the RECORD since I can't hope to duplicate her eloquent effort.

Before I begin, let me first say that I understand the difficulty facing this House in that judicial independence is a cornerstone of our democracy; but independence does not mean that we as a co-equal branch of government abdicate all responsibility for seeing that justice is done in this country. This House has heard all to often that justice delayed is justice denied. This is yet another unfortunate incident where this valid statement applies. I believe we do have a solemn duty to respond to injustice whenever and wherever we can.

This section is a response to an injustice and I commend Chairman COBLE and his staff for working diligently with me and Mr. DELAHUNT to add this important provision.

The story of Charlotte Stout's daughter, Cary Ann Medlin is one which is too gruesome and too cruel to recount fully and I won't further their suffering by a detailed account—neither would Charlotte want me to. She is not an avenging mother, but a compassionate concerned woman who wants justice for not only herself, but all victims of crime.

On September 1, 1979 her daughter Cary Ann Medlin, age 9, went out to ride her bicycle for a few minutes before dinner. Charlotte never saw her alive again. A man, by his own confession, brutally raped, sodomized, and murdered her small child. This man was brought to trial in 1981 and sentenced to two life sentences and death by electrocution. This case was appealed in all the appropriate state courts.

In 1992, this killer filed his second petition for habeas corpus relief in the federal court. In December of 1996, after being reprimanded for delay by the chief judge of the district, the judge finally ruled on this case after having it in his court for 4 years and 10 months.

While this one woman's ordeal through the federal court system has made the constituents of my district question our judicial system

and rightly so, Charlotte did not come to Washington to testify about an isolated, single case.

This federal judge in the middle district of Tennessee, after very lengthy delays, has overturned 100% of all death penalty cases on which he has reached a final decision. Five to ten years is the norm in this judge's court and in my view this is unacceptable. This judge delayed eight capital cases a combined total of over 66 years.

The citizens of Tennessee are concerned that since the reinstatement of the death penalty in 1977, this judge has received almost 100% of the cases prior to 1990. He did not transfer the cases back to the district of origin, nor did he recuse himself in hearing the cases. The lengthy and constant delays in these capital cases has resulted in the victims of crime being denied justice. That is wrong; that is an injustice; and I support this section as a minor response to a grave injustice which if left unchecked could threaten the very credibility of the judiciary.

Again, I thank the Subcommittee for hearing the testimony of Mrs. Charlotte Stout from Greenfield, Tennessee and the mother of Cary Ann Medlin.

HOUSE SUBCOMMITTEE ON COURTS AND INTELLECTUAL PROPERTIES—SUMMARY OF WRITTEN TESTIMONY BY CHARLOTTE STOUT, MAY 15, 1997

I am not here today as an avenging mother. I am not here because a Federal Judge overturned one isolated death penalty case. If that were the case, you could discredit me as an emotional extremist and I would be wasting this committee's and my time. I represent almost 27,000 others who are concerned with and perceive a grave miscarriage of justice in Tennessee. The source of our concern is life-time appointed Federal Judge John Nixon of the Middle Tennessee District.

Judge Nixon has delayed eight counted death penalty cases a compiled total of 65 years and 7 months. He has then overturned 100% of all death penalty cases on which he has reached a final decision. If our concern stemmed from one isolated decision, then I would also call attention to Judge Morton of Middle Tennessee who has also overturned a death penalty case. Our concern stems from several reasons, not just Judge Nixon's decision on one case. We are concerned with the consistency with which Judge Nixon makes his decisions. We are concerned about the inordinate delays on death penalty cases in his court. We are concerned because of his misconduct in office by accepting an award from a group who has a previously stated controversial point of view on a legal issue. We are concerned with the amount of financial reimbursement he has authorized in capital cases. We are concerned that since the reinstatement of capital punishment in Tennessee in 1977, Judge Nixon received almost 100% of the cases prior to 1990. He did not transfer the cases back to the district of origin, nor did he recuse himself from hearing the cases. And finally, we are concerned about the system for filing judicial complaints. Twelve (12) complaints were officially filed against Judge Nixon in the 6th Circuit Court. These were reviewed by a judge who is his peer and social acquaintance.

From the Governor, (and past Governor) to the "blue-collar" workers, from East Tennessee to West Tennessee, thousands believe that Judge Nixon is opposed to capital punishment and is allowing his personal convictions to obstruct the law of the State of Tennessee. Tennessee Senate Joint Resolution 41 has been proposed by Senator Tommy Burks which is a resolution memorializing the U.S. Congress to initiate impeachment proceedings against U.S. District Court Judge John T. Nixon. We believe, Judge Nixon who is appointed for a life-time term, will continue to overturn death penalty convictions and order new trials, if he is allowed to continue in his historic path. I cannot begin to elaborate on the number of newspaper editorials, TV news segments, and public commentaries that have been expressed against Judge Nixon. A Federal Judge, who is appointed for life is holding the citizens of Tennessee "hostage" to his conscientious beliefs. He does have the right to his beliefs. No one disputes that. But when those beliefs interfere with the administration of justice and the performance of his duties as an officer of the court, he should be removed or at the very least restrained. Capital punishment has been ruled to be constitutionally appropriate. How then, can one individual be allowed to hold his beliefs above the law because he is a Federal Judge? He is frustrating the entire legal system in our state. To what purpose do our law enforcement officers, prosecuting attorneys, Judges and courts spend countless hours and taxpayer dollars to bring criminals to swift and sound justice. How can due process be served when delays of 10 years exist in one court? A fair trial after two decades will be impossible for any of these cases. What a tragedy if any one of these men is innocent. What a tragedy if they are guilty and allowed to abuse the system. What a tragedy if a Federal Judge is allowed flagrant misconduct in office and our elected Representatives refuse to act for the sake of protecting the independence of the judiciary. The framers of our Constitution surely never intended for one branch of the government to act completely independent of the other two branches. If that were the case, there would be no true system of checks and balances.

We realize that only 15 judges have ever been brought up on impeachment charges and only seven of them have been convicted and removed from the bench. We realize the grounds for impeachment are complex. The Constitution sets the framework for impeachment and defines an impeachable offense as "High crimes or misdemeanors" but also states that judges who have lifetime appointments must be of "good behavior". Our elected Representatives can define the parameters of good behavior. On April 9, 1996, Chief Justice of the U.S. Supreme Court William Rehnquist said to the Washington College of Law, "It would be a mistake to think that just because a certain kind of judicial business has always been conducted in a particular way in the past, it therefore ought to be conducted that way in the future."

We, the people, have only one voice, the voice of our elected Representatives.

The CHAIRMAN. All time has expired.

The amendment in the nature of a substitute printed in the bill, modified by striking section 9 and redesignating each succeeding section accordingly, shall be considered by sections as an original bill for the purpose of amendment. Pursuant to the rule, each section is considered as read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment, and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

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 "Judicial Reform Act of 1998".

The CHAIRMAN. Are there any amendments to section 1?

Mr. COBLE. Mr. Chairman, I ask unanimous consent that the remainder of the amendment in the nature of a substitute, as modified, be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The text of the remainder of the amendment in the nature of a substitute, as modified, is as follows:

SEC. 2. 3-JUDGE COURT FOR ANTICIPATORY RELIEF.

(a) REQUIREMENT OF 3-JUDGE COURT.—Any application for anticipatory relief against the enforcement, operation, or execution of a State law adopted by referendum shall not be granted by a United States district court or judge thereof upon the ground that the State law is repugnant to the Constitution, treaties, or laws of the United States unless the application for anticipatory relief is heard and determined by a court of 3 judges in accordance with section 2284 of title 28, United States Code. Any appeal of a determination on such application shall be to the Supreme Court. In any case to which this section applies, the additional judges who will serve on the 3-judge court shall be designated under section 2284(b)(1) of title 28, United States Code, as soon as practicable, and the court shall expedite the consideration of the application for anticipatory relief.

(b) DEFINITIONS.—As used in this section—

(1) the term "State" means each of the several States and the District of Columbia;

(2) the term "State law" means the constitution of a State, or any statute, rule, regulation, or other measure of a State that has the force of law, and any amendment thereto;

(3) the term "referendum" means the submission to popular vote, by the voters of the State, of a measure passed upon or proposed by a legislative body or by popular initiative; and

(4) the term "anticipatory relief" means an interlocutory or permanent injunction or a declaratory judgment.

(c) EFFECTIVE DATE.—This section applies to any application for anticipatory relief that is filed on or after the date of the enactment of this Act.

SEC. 3. INTERLOCUTORY APPEALS OF COURT ORDERS RELATING TO CLASS ACTIONS.

(a) INTERLOCUTORY APPEALS.—Section 1292(b) of title 28, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following:

"(2) A party to an action in which the district court has made a determination of whether the action may be maintained as a class action may make application for appeal of that determination to the court of appeals which would have jurisdiction of an appeal of that action. The court of appeals may, in its discretion, permit the appeal to be taken from such determination if the application is made within 10 days after the entry of the court's determination relating to the class action. Application for an appeal under this paragraph shall not stay proceedings in the district court unless the district judge or the court of appeals or a judge thereof shall so order.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to any action commenced on or after the date of the enactment of this Act.

SEC. 4. PROCEEDINGS ON COMPLAINTS AGAINST JUDICIAL CONDUCT.

(a) REFERRAL OF PROCEEDINGS TO ANOTHER JUDICIAL CIRCUIT OR COURT.—Section 372(c) of title 28, United States Code, is amended—

(1) in paragraph (1) by adding at the end the following: "In the case of a complaint so identified, the chief judge shall notify the clerk of the court of appeals of the complaint, together with a brief statement of the facts underlying the complaint.";

(2) in paragraph (2) in the second sentence by inserting "or statement of facts underlying the complaint (as the case may be)" after "copy of the complaint";

(3) in paragraph (3)—

(A) by inserting "(A)" after "(3)";

(B) by striking "may—" and all that follows through the end of subparagraph (B) and inserting the following: "may dismiss the complaint if the chief judge finds it to be—

"(i) not in conformity with paragraph (1);

"(ii) directly related to the merits of a decision or procedural ruling; or

"(iii) frivolous."; and

(C) by adding at the end the following:

"(B) If the chief judge does not enter an order under subparagraph (A), then the complaint or (in the case of a complaint identified under paragraph (1)) the statement of facts underlying the complaint shall be referred to the chief judge of another judicial circuit for proceedings under this subsection (hereafter in this subsection referred to as the 'chief judge'), in accordance with a system established by rule by the Judicial Conference, which prescribes the circuits to which the complaints will be referred. The Judicial Conference shall establish and submit to the Congress the system described in the preceding sentence not later than 180 days after the date of the enactment of the Judicial Reform Act of 1998.

"(C) After expeditiously reviewing the complaint, the chief judge may, by written order explaining the chief judge's reasons, conclude the proceeding if the chief judge finds that appropriate corrective action has been taken or that action on the complaint is no longer necessary because of intervening events.";

(4) in paragraph (4)—

(A) by striking "paragraph (3)" and inserting "paragraph (3)(C)"; and

(B) in subparagraph (A) by inserting "(to which the complaint or statement of facts underlying the complaint is referred)" after "the circuit";

(5) in paragraph (5)—

(A) in the first sentence by inserting "to which the complaint or statement of facts underlying the complaint is referred" after "the circuit"; and

(B) in the second sentence by striking "the circuit" and inserting "that circuit";

(6) in the first sentence of paragraph (15) by inserting before the period at the end the following: "in which the complaint was filed or identified under paragraph (1)"; and

(7) by amending paragraph (18) to read as follows:

"(18) The Judicial Conference shall prescribe rules, consistent with the preceding provisions of this subsection—

"(A) establishing procedures for the filing of complaints with respect to the conduct of any judge of the United States Court of Federal Claims, the Court of International Trade, or the Court of Appeals for the Federal Circuit, and for the investigation and resolution of such complaints; and

"(B) establishing a system for referring complaints filed with respect to the conduct of a judge of any such court to any of the first eleven judicial circuits or to another court for investigation and resolution.

The Judicial Conference shall establish and submit to the Congress the system described in subparagraph (B) not later than 180 days after the date of the enactment of the Judicial Reform Act of 1998.".

(b) DISCLOSURE OF INFORMATION.—Section 372(c)(14) of title 28, United States Code, is amended—

(1) in subparagraph (B) by striking "or" after the semicolon;

(2) in subparagraph (C) by striking the period at the end and inserting "; or"; and

(3) by adding after subparagraph (C) the following:

"(D) such disclosure is made to another agency or instrumentality of any governmental jurisdiction within or under the control the United States for a civil or criminal law enforcement activity authorized by law.".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) apply to complaints filed on or after the 180th day after the date of the enactment of this Act.

SEC. 5. LIMITATION ON COURT-IMPOSED TAXES.

(a) LIMITATION.—Chapter 85 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 1369. Limitation on Federal court remedies

"(a) LIMITATION ON COURT-IMPOSED TAXES.—(1) No district court may enter any order or approve any settlement that requires any State, or political subdivision of a State, to impose, increase, levy, or assess any tax, unless the court finds by clear and convincing evidence, that—

"(A) there are no other means available to remedy the deprivation of a right under the Constitution of the United States;

"(B) the proposed imposition, increase, levying, or assessment is narrowly tailored to remedy the specific deprivation at issue so that the remedy imposed is directly related to the harm caused by the deprivation;

"(C) the tax will not contribute to or exacerbate the deprivation intended to be remedied;

"(D) plans submitted to the court by State and local authorities will not effectively redress the deprivations at issue;

"(E) the interests of State and local authorities in managing their affairs are not usurped, in violation of the Constitution, by the proposed imposition, increase, levying, or assessment; and

"(F) the proposed tax will not result in the loss or depreciation of property values of the taxpayers who are affected.

"(2) The limitation contained in paragraph (1) shall apply only to any order or settlement which—

"(A) expressly directs any State, or political subdivision of a State, to impose, increase, levy, or assess any tax; or

"(B) will necessarily require a State, or political subdivision of a State, to impose, increase, levy, or assess any tax.

"(3) If the court finds that the conditions set forth in paragraph (1) have been satisfied, it shall enter an order incorporating that finding, and that order shall be subject to immediate interlocutory de novo review.

"(4) A remedy permitted under paragraph (1) shall not extend beyond the case or controversy before the court.

"(5)(A) Notwithstanding any law or rule of procedure, any person or entity whose tax liability would be directly affected by the imposition of a tax under paragraph (1) shall have the right to intervene in any proceeding concerning the imposition of the tax, except that the court may deny intervention if it finds that the interest of that person or entity is adequately represented by existing parties.

"(B) A person or entity that intervenes pursuant to subparagraph (A) shall have the right to—

"(i) present evidence and appear before the court to present oral and written testimony; and

"(ii) appeal any finding required to be made by this section, or any other related action taken to impose, increase, levy, or assess the tax that is the subject of the intervention.

"(b) TERMINATION OF ORDERS.—Notwithstanding any law or rule of procedure, any order of, or settlement approved by, a district court requiring the imposition, increase, levy, or assessment of a tax pursuant to subsection (a)(1) shall automatically terminate or expire on the date that is—

"(1) 1 year after the date of the imposition of the tax; or

"(2) an earlier date, if the court determines that the deprivation of rights that is addressed by the order or settlement has been cured to the extent practicable.

Any new such order or settlement relating to the same issue is subject to all the requirements of this section.

"(c) PREEMPTION.—This section shall not be construed to preempt any law of a State or political subdivision thereof that imposes limitations on, or otherwise restricts the imposition of, a tax, levy, or assessment that is imposed in response to a court order or settlement referred to in subsection (b).

"(d) ADDITIONAL RESTRICTIONS ON COURT ACTION.—(1) Except as provided in paragraph (2), nothing in this section may be construed to allow a Federal court to, for the purpose of funding the administration of an order or settlement referred to in subsection (b), use funds acquired by a State or political subdivision thereof from a tax imposed by the State or political subdivision thereof.

"(2) Paragraph (1) does not apply to any tax, levy, or assessment that may, in accordance with applicable State or local law, be used to fund the actions of a State or political subdivision thereof in meeting the requirements of an order or settlement referred to in subsection (b).

"(e) NOTICE TO STATES.—The court shall provide written notice to a State or political subdivision thereof subject to an order or settlement referred to in subsection (b) with respect to any finding required to be made by the court under subsection (a). Such notice shall be provided before the beginning of the next fiscal year of that State or political subdivision occurring after the order or settlement is issued.

"(f) SPECIAL RULES.—For purposes of this section—

"(1) the District of Columbia shall be considered to be a State; and

"(2) any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.".

(b) CONFORMING AMENDMENT.—The table of contents for chapter 85 of title 28, United States Code, is amended by adding after the item relating to section 1368 the following new item:

"1369. Limitation on Federal court remedies.".

(c) STATUTORY CONSTRUCTION.—Nothing contained in this section or the amendments made by this section shall be construed to make legal, validate, or approve the imposition of a tax, levy, or assessment by a United States district court or a spending measure required by a United States district court.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to any action or other proceeding in a Federal court that is pending on, or commenced on or after, the date of the enactment of this Act, and the 1-year limitation set forth in subsection (b) of section 1369 of title 28, United States Code, as added by this section, shall apply to any court order or settlement described in subsection (a)(1) of such section 1369, that is in effect on the date of the enactment of this Act.

SEC. 6. REASSIGNMENT OF CASE AS OF RIGHT.

(a) IN GENERAL.—Chapter 21 of title 28, United States Code, is amended by adding at the end the following:

"§464. Reassignment of cases upon motion by a party

"(a) UPON MOTION.—(1) If all parties on one side of a civil case to be tried in a United States district court described in subsection (e) bring a motion to reassign the case, the case shall be reassigned to another appropriate judicial officer. Each side shall be entitled to one reassignment without cause as a matter of right.

"(2) If any question arises as to which parties should be grouped together as a side for purposes of this section, the chief judge of the court of appeals for the circuit in which the case is to be tried, or another judge of the court of appeals designated by the chief judge, shall determine that question.

"(b) REQUIREMENTS FOR BRINGING MOTION.—(1) Subject to paragraph (2), a motion to reassign under this section shall not be entertained unless it is brought, not later than 20 days after notice of the original assignment of the case, to the judicial officer to whom the case is assigned for the purpose of hearing or deciding any matter. Such motion shall be granted if—

"(A) it is presented before trial or hearing begins and before the judicial officer to whom it is presented has ruled on any substantial issue in the case, or

"(B) it is presented by consent of the parties on all sides.

"(2) Notwithstanding paragraph (1)—

"(A) a party joined in a civil action after the initial filing may, with the concurrence of the other parties on the same side, bring a motion under this section within 20 days after the service of the complaint on that party;

"(B) a party served with a supplemental or amended complaint or a third-party complaint in a civil action may, with the concurrence of the other parties on the same side, bring a motion under this section within 20 days after service on that party of the supplemental, amended, or third-party complaint; and

"(C) rulings in a case by the judicial officer on any substantial issue before a party who has not been found in default enters an appearance in the case shall not be grounds for denying an otherwise timely and appropriate motion brought by that party under this section.

"(3) No motion under this section may be brought by the party or parties on a side in a case if any party or parties on that side have previously brought a motion to reassign under this section in that case.

"(c) COSTS OF TRAVEL TO NEW LOCATION.—(1) If a motion to reassign brought under this section requires a change in location for purposes of appearing before a newly assigned judicial officer, the party or parties bringing the motion shall pay the reasonable costs incurred by the parties on different sides of the case in travelling to the new location for all matters associated with the case requiring an appearance at the new location. In a case in which both sides bring a motion to reassign under this section that requires a change in location, the party or parties bringing the motions on both sides shall split the travelling costs referred to in the preceding sentence.

"(2) For parties financially unable to obtain adequate representation, the Government shall pay the reasonable costs under paragraph (1).

"(d) DEFINITION.—As used in this section, the term 'appropriate judicial officer' means—

"(1) a United States magistrate judge in a case referred to such a magistrate judge; and

"(2) a United States district court judge in any other case before a United States district court.

"(e) DISTRICT COURTS THAT MAY AUTHORIZE REASSIGNMENT.—The district courts referred to in subsection (a) are the district courts for the 21 judicial districts for which the President is directed to appoint the largest numbers of permanent judges.

"(f) 3-JUDGE COURT CASES EXCLUDED.—This section shall not apply to any civil action required to be heard and determined by a district court of 3 judges.".

(b) CLERICAL AMENDMENT.—The table of contents for chapter 21 of title 28, United States Code, is amended by adding at the end the following new item:

"464. Reassignment of cases upon motion by a party.".

(c) MONITORING.—The Federal Judicial Center shall monitor the use of the right to bring a motion to reassign a case under section 464 of title 28, United States Code, as added by subsection (a) of this section, and shall report annually to the Congress its findings on the basis of such monitoring.

(d) SUNSET.—Effective 5 years after the date of the enactment of this Act, section 464 of title 28, United States Code, and the item relating to that section in the table of contents for chapter 21 of such title, are repealed, except that such repeal shall not affect civil cases reassigned under such section 464 before the date of repeal.

SEC. 7. RANDOM ASSIGNMENT OF HABEAS CORPUS CASES.

Section 2241 of title 28, United States Code, is amended by adding at the end the following:

"(e) Applications for writs of habeas corpus received in or transferred to a district court shall be randomly assigned to the judges of that court.".

SEC. 8. AUTHORITY OF PRESIDING JUDGE TO ALLOW MEDIA COVERAGE OF APPELLATE COURT PROCEEDINGS.

(a) AUTHORITY OF APPELLATE COURTS.—Notwithstanding any other provision of law, the presiding judge of an appellate court of the United States may, in his or her discretion, permit the photographing, electronic recording, broadcasting, or televising to the public of court proceedings over which that judge presides.

(b) AUTHORITY OF DISTRICT COURTS.—Notwithstanding any other provision of law, any presiding judge of a district court of the United States may, in his or her discretion, permit the photographing, electronic recording, broadcasting, or televising to the public of court proceedings over which that judge presides.

(c) ADVISORY GUIDELINES.—The Judicial Conference of the United States is authorized to promulgate advisory guidelines to which a presiding judge, in his or her discretion, may refer in making decisions with respect to the management and administration of photographing, recording, broadcasting, or televising described in subsections (a) and (b).

(d) DEFINITIONS.—As used in this section:

(1) PRESIDING JUDGE.—The term "presiding judge" means the judge presiding over the court proceeding concerned. In proceedings in which more than one judge participates, the presiding judge shall be the senior active judge so participating or, in the case of a circuit court of appeals, the senior active circuit judge so participating, except that—

(A) in en banc sittings of any United States circuit court of appeals, the presiding judge shall be the chief judge of the circuit whenever the chief judge participates; and

(B) in en banc sittings of the Supreme Court of the United States, the presiding judge shall be the Chief Justice whenever the Chief Justice participates.

(2) APPELLATE COURT OF THE UNITED STATES.—The term "appellate court of the United States" means any United States circuit court of appeals and the Supreme Court of the United States.

(e) SUNSET.—The authority under subsection (b) shall terminate on the date that is 3 years after the date of the enactment of this Act.

SEC. 9. MULTIPARTY, MULTIFORUM JURISDICTION OF DISTRICT COURTS.

(a) BASIS OF JURISDICTION.—

(1) IN GENERAL.—Chapter 85 of title 28, United States Code, is amended by adding at the end the following new section:

"§1370. Multiparty, multiforum jurisdiction

"(a) IN GENERAL.—The district courts shall have original jurisdiction of any civil action involving minimal diversity between adverse parties that arises from a single accident, where at least 25 natural persons have either died or incurred injury in the accident at a discrete location and, in the case of injury, the injury has resulted in damages which exceed $50,000 per person, exclusive of interest and costs, if—

"(1) a defendant resides in a State and a substantial part of the accident took place in another State or other location, regardless of whether that defendant is also a resident of the State where a substantial part of the accident took place;

"(2) any two defendants reside in different States, regardless of whether such defendants are also residents of the same State or States; or

"(3) substantial parts of the accident took place in different States.

"(b) SPECIAL RULES AND DEFINITIONS.—For purposes of this section—

"(1) minimal diversity exists between adverse parties if any party is a citizen of a State and any adverse party is a citizen of another State, a citizen or subject of a foreign state, or a foreign state as defined in section 1603(a) of this title;

"(2) a corporation is deemed to be a citizen of any State, and a citizen or subject of any foreign state, in which it is incorporated or has its principal place of business, and is deemed to be a resident of any State in which it is incorporated or licensed to do business or is doing business;

"(3) the term 'injury' means—

"(A) physical harm to a natural person; and

"(B) physical damage to or destruction of tangible property, but only if physical harm described in subparagraph (A) exists;

"(4) the term 'accident' means a sudden accident, or a natural event culminating in an accident, that results in death or injury incurred at a discrete location by at least 25 natural persons; and

"(5) the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

"(c) INTERVENING PARTIES.—In any action in a district court which is or could have been brought, in whole or in part, under this section, any person with a claim arising from the accident described in subsection (a) shall be permitted to intervene as a party plaintiff in the

action, even if that person could not have brought an action in a district court as an original matter.

"(d) NOTIFICATION OF JUDICIAL PANEL ON MULTIDISTRICT LITIGATION.—A district court in which an action under this section is pending shall promptly notify the judicial panel on multidistrict litigation of the pendency of the action.".

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 85 of title 28, United States Code, is amended by adding at the end the following new item:

"1370. Multiparty, multiforum jurisdiction.".

(b) VENUE.—Section 1391 of title 28, United States Code, is amended by adding at the end the following:

"(g) A civil action in which jurisdiction of the district court is based upon section 1370 of this title may be brought in any district in which any defendant resides or in which a substantial part of the accident giving rise to the action took place.".

(c) MULTIDISTRICT LITIGATION.—Section 1407 of title 28, United States Code, is amended by adding at the end the following:

"(i)(1) In actions transferred under this section when jurisdiction is or could have been based, in whole or in part, on section 1370 of this title, the transferee district court may, notwithstanding any other provision of this section, retain actions so transferred for the determination of liability and punitive damages. An action retained for the determination of liability shall be remanded to the district court from which the action was transferred, or to the State court from which the action was removed, for the determination of damages, other than punitive damages, unless the court finds, for the convenience of parties and witnesses and in the interest of justice, that the action should be retained for the determination of damages.

"(2) Any remand under paragraph (1) shall not be effective until 60 days after the transferee court has issued an order determining liability and has certified its intention to remand some or all of the transferred actions for the determination of damages. An appeal with respect to the liability determination and the choice of law determination of the transferee court may be taken during that 60-day period to the court of appeals with appellate jurisdiction over the transferee court. In the event a party files such an appeal, the remand shall not be effective until the appeal has been finally disposed of. Once the remand has become effective, the liability determination and the choice of law determination shall not be subject to further review by appeal or otherwise.

"(3) An appeal with respect to determination of punitive damages by the transferee court may be taken, during the 60-day period beginning on the date the order making the determination is issued, to the court of appeals with jurisdiction over the transferee court.

"(4) Any decision under this subsection concerning remand for the determination of damages shall not be reviewable by appeal or otherwise.

"(5) Nothing in this subsection shall restrict the authority of the transferee court to transfer or dismiss an action on the ground of inconvenient forum.".

(d) REMOVAL OF ACTIONS.—Section 1441 of title 28, United States Code, is amended—

(1) in subsection (e) by striking "(e) The court to which such civil action is removed" and inserting "(f) The court to which a civil action is removed under this section"; and

(2) by inserting after subsection (d) the following new subsection:

"(e)(1) Notwithstanding the provisions of subsection (b) of this section, a defendant in a civil action in a State court may remove the action to the district court of the United States for the district and division embracing the place where the action is pending if—

"(A) the action could have been brought in a United States district court under section 1370 of this title, or

"(B) the defendant is a party to an action which is or could have been brought, in whole or in part, under section 1370 in a United States district court and arises from the same accident as the action in State court, even if the action to be removed could not have been brought in a district court as an original matter.

The removal of an action under this subsection shall be made in accordance with section 1446 of this title, except that a notice of removal may also be filed before trial of the action in State court within 30 days after the date on which the defendant first becomes a party to an action under section 1370 in a United States district court that arises from the same accident as the action in State court, or at a later time with leave of the district court.

"(2) Whenever an action is removed under this subsection and the district court to which it is removed or transferred under section 1407(i) has made a liability determination requiring further proceedings as to damages, the district court shall remand the action to the State court from which it had been removed for the determination of damages, unless the court finds that, for the convenience of parties and witnesses and in the interest of justice, the action should be retained for the determination of damages.

"(3) Any remand under paragraph (2) shall not be effective until 60 days after the district court has issued an order determining liability and has certified its intention to remand the removed action for the determination of damages. An appeal with respect to the liability determination and the choice of law determination of the district court may be taken during that 60-day period to the court of appeals with appellate jurisdiction over the district court. In the event a party files such an appeal, the remand shall not be effective until the appeal has been finally disposed of. Once the remand has become effective, the liability determination and the choice of law determination shall not be subject to further review by appeal or otherwise.

"(4) Any decision under this subsection concerning remand for the determination of damages shall not be reviewable by appeal or otherwise.

"(5) An action removed under this subsection shall be deemed to be an action under section 1370 and an action in which jurisdiction is based on section 1368 of this title for purposes of this section and sections 1407, 1660, 1697, and 1785 of this title.

"(6) Nothing in this subsection shall restrict the authority of the district court to transfer or dismiss an action on the ground of inconvenient forum.".

(e) CHOICE OF LAW.—

(1) DETERMINATION BY THE COURT.—Chapter 111 of title 28, United States Code, is amended by adding at the end the following new section:

"§1660. Choice of law in multiparty, multiforum actions

"(a) FACTORS.—In an action which is or could have been brought, in whole or in part, under section 1370 of this title, the district court in which the action is brought or to which it is removed shall determine the source of the applicable substantive law, except that if an action is transferred to another district court, the transferee court shall determine the source of the applicable substantive law. In making this determination, a district court shall not be bound by the choice of law rules of any State, and the factors that the court may consider in choosing the applicable law include—

"(1) the place of the injury;

"(2) the place of the conduct causing the injury;

"(3) the principal places of business or domiciles of the parties;

"(4) the danger of creating unnecessary incentives for forum shopping; and

"(5) whether the choice of law would be reasonably foreseeable to the parties.

The factors set forth in paragraphs (1) through (5) shall be evaluated according to their relative importance with respect to the particular action. If good cause is shown in exceptional cases, including constitutional reasons, the court may allow the law of more than one State to be applied with respect to a party, claim, or other element of an action.

"(b) ORDER DESIGNATING CHOICE OF LAW.—The district court making the determination under subsection (a) shall enter an order designating the single jurisdiction whose substantive law is to be applied in all other actions under section 1370 arising from the same accident as that giving rise to the action in which the determination is made. The substantive law of the designated jurisdiction shall be applied to the parties and claims in all such actions before the court, and to all other elements of each action, except where Federal law applies or the order specifically provides for the application of the law of another jurisdiction with respect to a party, claim, or other element of an action.

"(c) CONTINUATION OF CHOICE OF LAW AFTER REMAND.—In an action remanded to another district court or a State court under section 1407(i)(1) or 1441(e)(2) of this title, the district court's choice of law under subsection (b) shall continue to apply.".

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 111 of title 28, United States Code, is amended by adding at the end the following new item:

"1660. Choice of law in multiparty, multiforum actions.".

(f) SERVICE OF PROCESS.—

(1) OTHER THAN SUBPOENAS.—(A) Chapter 113 of title 28, United States Code, is amended by adding at the end the following new section:

"§1697. Service in multiparty, multiforum actions

"When the jurisdiction of the district court is based in whole or in part upon section 1370 of this title, process, other than subpoenas, may be served at any place within the United States, or anywhere outside the United States if otherwise permitted by law.".

(B) The table of sections at the beginning of chapter 113 of title 28, United States Code, is amended by adding at the end the following new item:

"1697. Service in multiparty, multiforum actions.".

(2) SERVICE OF SUBPOENAS.—(A) Chapter 117 of title 28, United States Code, is amended by adding at the end the following new section:

"§1785. Subpoenas in multiparty, multiforum actions

"When the jurisdiction of the district court is based in whole or in part upon section 1370 of this title, a subpoena for attendance at a hearing or trial may, if authorized by the court upon motion for good cause shown, and upon such terms and conditions as the court may impose, be served at any place within the United States, or anywhere outside the United States if otherwise permitted by law.".

(B) The table of sections at the beginning of chapter 117 of title 28, United States Code, is amended by adding at the end the following new item:

"1785. Subpoenas in multiparty, multiforum actions.".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to a civil action if the

accident giving rise to the cause of action occurred on or after the 90th day after the date of the enactment of this Act.

SEC. 10. APPEALS OF MERIT SYSTEMS PROTECTION BOARD.

(a) APPEALS.—Section 7703 of title 5, United States Code, is amended—

(1) in subsection (b)(1), by striking "30" and inserting "60"; and

(2) in the first sentence of subsection (d), by inserting after "filing" the following: ", within 60 days after the date the Director received notice of the final order or decision of the Board,".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date of the enactment of this Act and apply to any administrative or judicial proceeding pending on that date or commenced on or after that date.

The CHAIRMAN. Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. COBLE

Mr. COBLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COBLE:

Add the following at the end:

SEC. 11. EXTENSION OF JUDICIARY INFORMATION TECHNOLOGY FUND.

Section 612 of title 28, United States Code, is amended—

(1) by striking "equipment" each place it appears and inserting "resources";

(2) by striking subsection (f) and redesignating subsequent subsections accordingly;

(3) in subsection (g), as so redesignated, by striking paragraph (3); and

(4) in subsection (i), as so redesignated—

(A) by striking "Judiciary" each place it appears and inserting "judiciary";

(B) by striking "subparagraph (c)(1)(B)" and inserting "subsection (c)(1)(B)"; and

(C) by striking "under (c)(1)(B)" and inserting "under subsection (c)(1)(B)".

SEC. 12. OFFSETTING RECEIPTS.

For fiscal year 1999 and thereafter, any portion of miscellaneous fees collected as prescribed by the Judicial Conference of the United States pursuant to sections 1913, 1914(b), 1926(a), 1930(b), and 1932 of title 28, United States Code, exceeding the amount of such fees in effect on September 30, 1998, shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

SEC. 13. MEMBERSHIP IN CIRCUIT JUDICIAL COUNCILS.

Section 332(a) of title 28, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) The chief judge of each judicial circuit shall call and preside at a meeting of the judicial council of the circuit at least twice in each year and at such places as he or she may designate. The council shall consist of an equal number of circuit judges (including the chief judge of the circuit) and district judges, as such number is determined by majority vote of all such judges of the circuit in regular active service.";

(2) by striking paragraph (3) and inserting the following:

"(3) Except for the chief judge of the circuit, either judges in regular active service or judges retired from regular active service under section 371(b) of this title may serve as members of the council."; and

(3) by striking "retirement," in paragraph (5) and inserting "retirement under section 371(a) or section 372(a) of this title,".

SEC. 14. SUNSET OF CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLANS.

Section 103(b)(2)(A) of the Civil Justice Reform Act of 1990 (Public Law 101–650; 104 Stat. 5096; 28 U.S.C. 471 note), as amended by Public Law 105–53 (111 Stat. 1173), is amended by inserting "471," after "sections".

SEC. 15. CREATION OF CERTIFYING OFFICERS IN THE JUDICIAL BRANCH.

(a) APPOINTMENT OF DISBURSING AND CERTIFYING OFFICERS.—Chapter 41 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 613. Disbursing and certifying officers

"(a) DISBURSING OFFICERS.—The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to be disbursing officers in such numbers and locations as the Director considers necessary. Such disbursing officers shall—

"(1) disburse moneys appropriated to the judicial branch and other funds only in strict accordance with payment requests certified by the Director or in accordance with subsection (b);

"(2) examine payment requests as necessary to ascertain whether they are in proper form, certified, and approved; and

"(3) be held accountable for their actions as provided by law, except that such a disbursing officer shall not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate for which a certifying officer is responsible under subsection (b).

"(b) CERTIFYING OFFICERS.—(1) The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to certify payment requests payable from appropriations and funds. Such certifying officers shall be responsible and accountable for—

"(A) the existence and correctness of the facts recited in the certificate or other request for payment or its supporting papers;

"(B) the legality of the proposed payment under the appropriation or fund involved; and

"(C) the correctness of the computations of certified payment requests.

"(2) The liability of a certifying officer shall be enforced in the same manner and to the same extent as provided by law with respect to the enforcement of the liability of disbursing and other accountable officers. A certifying officer shall be required to make restitution to the United States for the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificates made by the certifying officer, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

"(c) RIGHTS.—A certifying or disbursing officer—

"(1) has the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment request presented for certification; and

"(2) is entitled to relief from liability arising under this section in accordance with title 31.

"(d) OTHER AUTHORITY NOT AFFECTED.—Nothing in this section affects the authority of the courts with respect to moneys deposited with the courts under chapter 129 of this title.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 41 of title 28, United States Code, is amended by adding at the end the following item:

"613. Disbursing and certifying officers.".

(c) DUTIES OF DIRECTOR.—Paragraph (8) of subsection (a) of section 604 of title 28, United States Code, is amended to read as follows:

"(8) Disburse appropriations and other funds for the maintenance and operation of the courts;".

Page 17, line 12, strike "**appellate**".

Mr. COBLE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Mr. Chairman, this is a technical amendment that contains no controversial provisions, but which will aid in making the judiciary function more efficiently, and will clarify certain provisions of the law as they pertain to the third branch.

In short, the amendment will extend the Judiciary Information Technology Fund, allow the judiciary to retain any additional offsetting receipts derived from increases in miscellaneous fees charged in the Federal courts, enhance membership in Circuit Judicial Councils, sunset the Civil Justice Expense Plan, and create certifying officers in the judicial branch.

I urge my colleagues to support this technical amendment, which I believe contains no controversial matter.

Summary follows for purposes of questions or explanation

Extension of the Judiciary Information Technology Fund: This amendment eliminates the provision in the statute authorizing the Judiciary Information Technology Fund, which subjects the activities of this Fund to the management process of the executive branch.

Offsetting Receipts: This provision would allow the judiciary to retain any additional offsetting receipts derived from increases in miscellaneous fees charged in the federal courts of appeals, district courts, bankruptcy courts, the Court of Federal Claims, and the Judicial Panel on Multi-district Litigation. This provision responds to a directive from congressional appropriations committees that the Judiciary identify ways to increase offsetting receipts.

Membership in Circuit Judicial Councils: This section amends 28 U.S.C. §332(a) to enhance judge participation in the federal judiciary's internal governance process by equalizing the representation of circuit judges and district judges on circuit judicial councils and establishing the eligibility of senior circuit and district judges to serve as members of those councils.

Sunset of Civil Justice Expense and Delay Reduction Plans: This provision would clarify that section 103(b)(2)(A) of the Civil Justice Reform Act is not to be extended. Provisions of the Civil Justice Reform Act have lapsed. An amendment to last year's Appropriations Act extended the reporting of old cases, but unintentionally also extended this section of the Act. This section was intended to sunset, but a technical change is needed to clarify that intent. This simply accomplishes that purpose.

Creation of Certifying Officers in the Judicial Branch: This section would enable the Director of the Administrative Office of the

United States Courts to appoint certifying officials in the various court units who would be responsible for the propriety of payments they request. It would also enable the Director of the AO to appoint disbursing officials in the various court units who would be responsible for ensuring that payment requests are proper, certified and approved.

Mr. FRANK of Massachusetts. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I agree with the gentleman from North Carolina (Mr. COBLE).

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. COBLE).

The amendment was agreed to.

The CHAIRMAN. Are there other amendments?

AMENDMENT NO. 3 OFFERED BY MR. DELAHUNT

Mr. DELAHUNT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. DELAHUNT:

Page 9, strike lines 13 through 20 and insert the following:

"(2) The limitation contained in paragraph (1) shall apply only to any order or settlement which expressly directs any State, or political subdivision of a State, to impose, increase, levy, or assess any tax.

Redesignate succeeding paragraphs accordingly.

Mr. DELAHUNT. Mr. Chairman, some context is needed to understand this amendment. Reference was made earlier to the Missouri versus Jenkins case.

Back in 1990, the Supreme Court rendered a decision involving the State of Missouri; and it held clearly that the Federal courts could not directly impose a tax levy on State or local governments. As far as I can tell, every member of the Committee on the Judiciary, on a bipartisan basis, understands and supports that concept. That is a principle everyone embraced.

This amendment which I have filed with my colleague, the gentleman from New York (Mr. BOEHLERT), would simply do just that. Let me repeat, the amendment would prohibit a court from directly imposing a tax increase on State or local government, or any other political subdivision, for that matter, as a remedy for an illegal or wrongful action by that particular State or local government.

This amendment, the Delahunt-Boehlert amendment, makes clear that the levying of taxes is not an appropriate judicial function. It leaves it to State and local governments to decide how to fund a judicial remedy to some illegal or wrongful action that they themselves are responsible for.

It may involve spending cuts. It may involve borrowing. It may even involve raising taxes. But it is the State or local government's decision, not the court's decision, how to fund that particular remedy. That is what this amendment is all about. In fact, when I offered this amendment at the subcommittee it was agreed to.

I might add, there was considerable discussion at that point in time. It was voted unanimously, on a voice vote. However, the bill came out of the full committee dramatically changed, changed to the point that it is now considered unconstitutional by hundreds of legal scholars.

The Department of Justice also agrees, as it is presently drafted, it is of dubious constitutionality, and that based on these and other concerns with the bill, the Attorney General will absolutely recommend a veto unless amended.

As presently written, a court could not even issue an order which would require a State or local government to impose a tax. That is absurd. It is the end of an independent judiciary, because it is utterly meaningless for the courts to order a remedy without the ability to compel the wrongdoer to implement that remedy.

Just imagine how State and local governments could flout court orders by simply claiming they did not have sufficient cash on hand to comply with the remedy. It is no exaggeration to say that a State or local government could very well avoid responsibility for its malfeasance in the operation of a sewage treatment plant that polluted our constituents' drinking water if this amendment fails. That is one of the reasons that every major environmental group in the country opposes the underlying bill.

The bill as it now stands is worse than the perceived abuses it was meant to cure. Speaking to that issue of perceived abuses, let us be honest. Despite what we hear, there is no outbreak of judicial taxation cases in this country today. They simply do not exist.

The truth is clear. It is very simple. The Federal courts have not directly imposed a tax, except for the single school desegregation case, Missouri versus Jenkins, which I referenced earlier and the gentleman from Illinois alluded to. That case was overturned in 1995 by a unanimous Supreme Court that rejected the concept of direct imposition of taxes by a Federal court.

Adoption of the Delahunt-Boehlert amendment would accomplish the goals articulated by many of those who advocate judicial restraint. Let us exercise some common sense and support the Delahunt-Boehlert amendment.

Mr. COBLE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, my good friend, the gentleman from Massachusetts and I generally agree on this matter. I am not in agreement with him. I appreciate his comments, but the amendment was defeated in full committee during markup.

I think, Mr. Chairman, this probably would gut the judicial taxation provision of the bill. The amendment would allow a Federal judge to, in my opinion, circumvent section 5 of the bill in the following manner. The provisions constraining the ability of a judge to order a State or municipality to impose taxes on affected citizens would apply only if a judge expressly directed a tax.

□ 1200

To avoid the restrictions set forth in section 5, a judge, it seems to me, could simply order a State or municipality to construct a new school building, for example, according to particular specifications, without specifying how the project would be funded.

The practical effect of this result, however, would be to compel the State or the municipality or whatever political subdivision to impose a tax if no other revenues were available. And I believe that the bill as written cures such a problem by applying section 5 to orders which expressly direct a tax or which necessarily require a tax. And for those reasons, Mr. Chairman, I oppose the amendment.

Mr. BOEHLERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the Delahunt-Boehlert amendment. What is at stake here is nothing less than whether we are going to exempt State and local governments from complying with a wide range of environmental and other laws. I do not think that Congress ought to be providing that sort of blanket exemption.

I want to emphasize again that the issue here is whether we believe that States and localities ought to comply with the laws we pass. This is not about judicial activism or tax rates. Our amendment blocks judicial activism by keeping intact all of the provisions of section 5 that prevent judges from imposing or raising taxes. Let me repeat that. Our amendment blocks judicial activism by keeping intact all of the provisions of section 5 that prevent judges from imposing or raising taxes.

Courts ought not to be levying taxes and our amendment keeps them from doing so. But the language we are removing from the bill would do far more than prevent judges from overreaching. It would prevent judges from doing their jobs. It would prevent judges from taking actions that are required by law.

For example, let us say a municipal waste treatment plant upstream from our town is discharging pollutants into a river, closing beaches in our town. We sue to get the sewage treatment plant to comply with the standards in the Clean Water Act. Under H.R. 1252, a judge could be unable to issue an order requiring compliance with the Clean

Water Act, because doing so might lead the town to raise taxes.

Even worse, if we and the town agreed to settle the case by the town agreeing voluntarily to fix the sewage treatment plant, H.R. 1252 could forbid the judge from approving the voluntary settlement. Yet, if an industry were discharging the same pollutants into the same river, a judge would be able to force the industry to comply.

That is bad law. That is bad policy. And, quite simply, it is unfair.

Virtually every environmental group, as well as the Judicial Conference of the United States, chaired by Chief Justice Rehnquist, oppose section 5 because of its perverse consequences such as the ones I have just outlined. And environmental laws are not the only ones that could become dead letters under this bill. The Americans with Disabilities Act, the Individuals with Disabilities Education Act, other civil rights statutes and worker protection statutes would also be affected. Indeed, one judge has noted that even the Brown v. Board of Education decision would have been difficult to enforce if H.R. 1252 had been in effect.

Section 5 as written would simply undermine the enforcement of our laws. If Congress does not like the laws, like the Clean Water Act, then we ought to rewrite them. But we will not do that because the laws have proven so successful and so immensely popular.

If we think localities ought to get more Federal aid to comply with these laws, let us provide the money. I am fighting with the administration right now to increase the funding available for municipal sewage treatment plants.

Those are all reasonable remedies. Preventing enforcement of statutes that are on the books is not a reasonable way to change the law. In fact, the approach in this bill is to offset, offer massive congressional overreaching to counteract an occasional and rare judicial overreaching. It is like hearing that one of our kids has misbehaved at school and responding by never sending any of our kids to school again.

Mr. Chairman, I urge support for the Delahunt-Boehlert amendment. It will prevent judges from raising taxes while allowing the proper enforcement of legitimate laws to continue.

Mr. MANZULLO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Delahunt-Boehlert amendment would gut section 5. There is a legal fiction as to whether or not a court can order the increase of tax or a court can order a municipality to increase tax.

Our bill provides in both situations a court will be prevented from directly or indirectly raising taxes. What the amendment does, it prevents a court from directly raising taxes, but all the courts have to do is to read Missouri versus Jenkins and instead of the court directly raising the tax, it says "I am ordering you to raise the tax."

The Delahunt-Boehlert amendment would allow a Federal judge, as the judge in Rockford, Illinois, has done, to point to a duly elected school board and say, "Either you raise taxes or you are going to jail." That is the purpose of section 5.

If the amendment is adopted, the Delahunt-Boehlert amendment, it will not affect the situation. The judge can still do the same thing. And it is legal fiction which they are presenting before this body today to allow them to have all of the congressional mandates come before the Federal courts and for the Federal courts to say, local municipalities to comply, either raise taxes or go to jail. That is what this amendment is about.

Mr. Chairman, I have letters here from people in Rockford, Illinois. Mr. DELAHUNT said he knew of no area in the country that is affected similarly to Kansas City, Missouri. Well, the same master in Kansas City, Missouri is now the master in Rockford, Illinois. Listen to this letter from Adam Lamarre:

Dear Representative Manzullo, Thank you for the support you gave limiting the powers of judges to impose taxes. My family is considering moving out of Rockford because we can no longer afford to pay high taxes.

This is from Earl and Ann Young in Rockford:

Dear Mr. Manzullo, we are very affected by Magistrate Mahoney's rulings. We are senior citizen property owners in Rockford School District 205, living on a fixed income, who are being taxed out of our home!

To add insult to injury, we did not live in Rockford when the alleged discrimination took place, have never had children in the Illinois school system, but we are judged guilty because our House is in district 205.

We would like you to tell us how can this one man," the unelected magistrate responsible to no one, "assume to have all this power, and what action you are pursuing in Washington.

And a letter from Carol Angelico:

I'm writing to you because of my saddened frustration that no one can 'fairly' resolve the unnecessary and overburdening taxation problem in our City of Rockford.

Oh, yes, the City of Rockford, with over 2,200 homes for sale in a city of less than 150,000 people. The City of Rockford, where the property values keep going down. The City of Rockford, where people are being taxed unmercifully and senior citizens come to my office with tears in their eyes and say, "Congressman, we cannot afford to pay our taxes because the Federal magistrate raised our taxes. You represent us. You should be the one responsible, because if you raise taxes, I will remove you from office."

What we are doing today is historic, perhaps the first time in the history of this Republic in which Congress is trying to reclaim the ground where only we have the power in Federal situations to raise taxes, and to take it back from the courts and say that they do not have the power to raise taxes. That was not given to them.

Hamilton expressly said, "You shall not have it." Madison said, "You shall not have it." And Jefferson said, when writing about King George III, said, "He has taxed us without representation."

This is what this Republic is about. Who is in control of raising taxes in this Republic? Is it the unelected judges appointed for life, or is it Members of the United States Congress who have to stand for reelection every 2 years?

Delahunt-Boehlert guts section 5. It makes it meaningless, and I would urge my colleagues, especially those who voted yesterday that said this body can only raise taxes by having two-thirds of the vote, to say only this body can raise taxes and not the judiciary, and to vote against Delahunt-Boehlert.

Mr. Chairman, I include the following for the RECORD:

APRIL 12, 1997.

Congressman DON MANZULLO,
Cannon House Office Bldg., Washington, DC.

CONGRESSMAN MANZULLO: I'm writing to you because of my saddened frustration that no one can "Fairly" resolve the unnecessary and over-burdening taxation problem in our city of Rockford.

I'll clarify my above statement by getting to the point as briefly as I can. A federal judge "Mahoney" ordered real estate tax increases to pay for three (3) new schools (we have closed schools in some areas and have been busing our school children), this ruling was the result of a lawsuit because a small group of people didn't like their school being closed and it accelerated into a state of "ridiculous" with an end result of lawyers fees, court fees, and consultant fees already costing $100 million dollars taken from a Tort Fund which was the money to be used for the schools. This is not right!

1st—A judge taxes us without any representation (our forefathers started this country because of that reason).

2nd—$100 million dollars spent not for our school children, or schools but for lawyers, and consultants. That money would have been better spent improving the education of our children.

My husband and I have filed a joint tax protest with other people in town to no avail, and have spoken to our State Rep's before only to hear a lot of rhetoric but no action to back them up and change the laws regarding federal judges rulings with no regard to the negative effect financially on the community, nor allowing the majority of the people to have their voice heard and vote on instead of just giving the minority a voice. I thought this country was a democracy in which the majority vote was the law/rule, at least that's what I was taught in history classes in school. Have our governing bodies forgotten that! A federal judge wielding such a ruling not only here but anywhere in the U.S. is wrong!!! We are paying so much in taxes already, not only Real Estate but other areas of our now structured government.

So I'm asking you Congressman, to continue to take the initiative and act on the behalf of the hard working people who pay

all these taxes by doing without and tightening the belt, but the belt is becoming so tight we are all strangling. We want our schools to produce educated people but that's not what our money is being used for. It has not gone to the schools or for our children's education. New schools do not educate; teachers, books, computers, etc. do!! Changes need to be made regarding this matter. Two incomes are already necessary today so we can give our families the necessities of life because the taxation has gotten out of hand, literally, from our hands to government hands. Then we have the additional burden of our school districts court order. People can't keep their homes for their children who would be going to our school, not to mention our elderly homeowners. My husband and I are paying monthly real estate payments almost equal to our mortgage payment, this is really getting scary because we were reassessed on our property again last year and our tax bill will be higher again for 1996.

Please express to your fellow congressmen and congresswomen that it's their responsibility, which was given to them by us the the voter, that they are in the political office they now hold, to work for and with the majority of us not against us. That's how they won their office, by the majority not the minority. I hear to many people say why write to express your dissatisfaction, nothing gets done about, only the minority get catered to and politicians are only self-interested in matter to better themselves and not the general public—PROVE THEM WRONG!!!

Respectfully,

CAROL A. ANGELICO.

DECEMBER 26, 1997.

Representative DONALD MANZULLO,
Broadway, Suite 1, Rockford, IL.

DEAR MR. MANZULLO: The enclosed article is from the December 26, 1997 issue of the Rockford Register Star. It reflects a major concern of ours. How does an appointed official of the Judiciary Branch of our Government obtain such power, and what can be done to eliminate the power, and/or remove Mahoney from office?

Mr. Nelson, the writer of the article, claims to be "a citizen not directly affected by the decision." We, on the other hand, are very affected by Mahoney's rulings. We are Senior Citizen property owners in School District 205, living on a fixed income, who are being taxed out of our home!

To add insult to injury, we did not live in Rockford when the alleged discrimination took place, have never had children in the Illinois school system, but we are judged guilty because our house is in district 205.

We would like you to tell us how this one man can assume to have all this power, and what action YOU are pursuing in Washington to restrict and/or eliminate such misuse of assumed judicial power!

Sincerely Yours,

EARL AND ANN YOUNG.

TIME TO CLIP JUDICIAL WINGS

Magistrate P. Michael Mahoney should be given a Nobel Prize for coming up with a solution to our most vexing problem, how to lower taxes. Since he has established that elected legislative bodies must vote according to the wishes of the judiciary, we can save enormous sums of money by eliminating all such bodies and just let the judiciary run the country. Think of the savings: No senators, no congressmen, no aldermen, no county boards, and most importantly the elimination of the bureaucracies that support these institutions. In fact we can take it one step further and eliminate the executive branch and let judges appoint masters.

To those of you who support Magistrate Mahoney's decision, would you support him if he ordered the state legislature to raise the state income tax 30 percent to pay for increases in school funding or raises for judges?

Would you support him if he ordered you to vote for a specific candidate in the next election?

To our elected representatives: It is up to you to assert your constitutional right to the separation of powers.

The judiciary has been allowed to slowly undermine the very constitution that they are sworn to protect.

If this nation is to continue to exist as a democratic republic, it is up to those legislators elected by the people to reassert their constitutional right to vote their conscience.

I am aware that this is not the first time the judiciary has directed an action by elected officials, but I am not aware of any other time that a member of the judiciary has determined how to fund said action. As a citizen not directly affected by the decision, I besiege our state and federal legislators to clip the wings of the judiciary before they make voters totally irrelevant.

I realize that this particular case involves a lowly little school board, but remember, this is an elected legislative body being ordered to vote a specific way by a lowly federal magistrate acting on behalf of one semi-retired judge.—Roger T. Nelson, Loves Park

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ROCKFORD, IL,
July 3, 1997.

DEAR REP. MANZULLO: Thank you for the support you gave limiting judge's ability to impose taxes. My family is considering moving out of Rockford because we can no longer afford to pay the big property taxes.

Sincerely,

ADAM LAMARRE.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would ask the gentleman from Illinois (Mr. MANZULLO) whether he has ever heard of the Supreme Court case, Missouri v. Jenkins.

Mr. MANZULLO. Yes, I quoted from that.

Mr. CONYERS. Well, did the gentleman not read in there that the courts cannot impose taxes?

Mr. MANZULLO. It is very simple——

Mr. CONYERS. Mr. Chairman, I just asked the gentleman a question.

Mr. MANZULLO. If I am given the opportunity to respond——

Mr. CONYERS. Yes or no?

Mr. MANZULLO. What is the question again?

Mr. CONYERS. Forget it.

Mr. MANZULLO. No, I do not want to forget it. I want to make this clear.

Mr. CONYERS. Well, I want to forget it on my time.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) controls the time.

Mr. CONYERS. Mr. Chairman, before we vote, the Supreme Court said, in the case that the gentleman read so clearly, and the question when he could not remember what I asked, said that the court cannot impose taxes. Repeat. The court cannot impose taxes. They can enforce an order for taxes. That is the case.

So I urge the gentleman to read it again.

Mr. DELAHUNT. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Chairman, I would just reiterate what the gentleman from Michigan (Mr. CONYERS) said in terms of the holding in the Missouri v. Jenkins case, and the gentleman from Illinois indicated that he was quoting from Missouri v. Jenkins. He quoted earlier from Thomas Jefferson, or at least he credited Thomas Jefferson the quote that taxation without representation is tyranny.

Mr. Chairman, I would correct the gentleman, because I come from that part of the country where the gentleman was born and raised who had made that quote. His name is James Otis and he lived on Cape Cod.

Mr. Chairman, I do not know whether the gentleman misquoted or misread the Missouri v. Jenkins decision, but it clearly stated that Federal courts could not impose a tax levy on a State or local government. In the Federal district court which had earlier issued an order that did impose a tax levy in that tax case, it was overturned by a unanimous decision of the Supreme Court.

The Boehlert-Delahunt amendment simply codifies the Missouri case. It prohibits a court from directly imposing a tax increase on State and local government or any other.

Mr. CONYERS. Mr. Chairman, reclaiming my time, let us all go to law school. All right? The Supreme Court case. Outside the context of a few 19th century municipal bond cases, the Federal courts have not directly imposed a tax except for a single school desegregation case, Missouri v. Jenkins. And even this isolated case was overturned by the Supreme Court in 1995 when the Justices unanimously rejected the concept of a direct Federal court imposition of taxes. Now, is that clear or is it not?

Mr. Chairman, I did not ask the gentleman anything. I just wanted to get his attention to read simple English to him of what the Supreme Court said.

□ 1215

The gentleman may get his own time.

Mr. DELAHUNT. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Chairman, I think what is most interesting is that upon a careful and thorough analysis of the language that presently exists in title V, that there has been a conclusion by many legal scholars that that

language is patently unconstitutional as a result of the decision in Missouri v. Jenkins. It is also clear that the Department of Justice will recommend a veto of this bill if it should pass, if this language is not deleted and the Boehlert-Delahunt amendment does not pass.

Mr. CONYERS. Mr. Chairman, reclaiming my time, I am going to read this one more time. I am going to read it slowly.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. CONYERS) has expired.

(By unanimous consent, Mr. CONYERS was allowed to proceed for 1 additional minute.)

Mr. CONYERS. Mr. Chairman, I am going to read this one more time.

Outside the context of a few 19th century municipal bond cases, the Federal courts have not directly imposed a tax except for a single school desegregation case, Missouri v. Jenkins. And even this isolated case was overturned by the Supreme Court in 1995, when the Justices unanimously rejected the concept of direct Federal court imposition of taxes.

End of sentence.

Mr. CAMPBELL. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, the Missouri versus Jenkins case is very simple. Five justices against four justices ruled that a court can indirectly raise taxes by applying this legal fiction. The difference is between the judge saying from the bench, I raise your taxes, and the judge saying, I order you to raise your taxes.

The Delahunt-Boehlert amendment would still allow a judge to say, I order you to raise your taxes. In fact, the majority decision was so feeble that four justices in the minority said that the majority opinion "is an expansion of power in the Federal judiciary beyond all precedent," and Delahunt-Boehlert, therefore, if they are saying it would codify Missouri versus Jenkins, would therefore be, quote, "an expansion of power in the Federal judiciary beyond all precedent."

It is just that simple. A vote on that amendment would gut section 5. It would still allow judicial taxation to take place. And for my friend from Massachusetts, I would say, if he would make reference to the Declaration of Independence, that is where Mr. Jefferson says and accuses King George III of taxing the people without representation. I like to quote from Jefferson. He is the most credible.

Mr. CAMPBELL. Reclaiming my time, Mr. Chairman, Missouri versus Jenkins, I believe, is correctly described both by my friend from Illinois and my friend from Massachusetts. Accordingly, at least as I read it, if the Boehlert-Delahunt amendment passes, the bill will have no effect beyond Missouri versus Jenkins, and Missouri versus Jenkins does say that a court may not directly impose a tax. So both gentlemen are right, Mr. Chairman, which is to say that if this amendment passed, the purpose of this bill will be defeated.

I would like that result—if the bill's managers has not agreed to my amendment. The problem is, my amendment comes up next, it is not up now. So I would like to take a moment and explain what my amendment would do because I think it takes the most dangerous part of this bill away.

The most dangerous part of this bill to me is section F of section 5. The whole idea of this bill is to make it hard for courts to impose taxes; fine. Since Missouri versus Jenkins says a court cannot directly impose a tax, this bill says let us also make it hard for courts effectively to impose a tax by leaving no other options. Okay, fine, let us make it hard.

But—do not make it impossible. Where the Constitution requires it; it should be done. Accordingly, what I would like to do is to go through the provisions that are left in the bill, because if my amendment is taken, which strikes F, then the remaining restrictions, I think, are very reasonable; namely, that a court cannot effectively impose a tax unless it is constitutional to do so, it is narrowly imposed, it will help as opposed to make worse the problem being addressed by the court suit in the first place, there is no adequate alternative remedy under the State and local government, and the interests of the State are not unconstitutionally usurped. That is the exact phrase used.

Accordingly, if you get rid of F, there is nothing, at least in my mind, that is difficult in this proposal (or, surely, that is unconstitutional) in this proposal. What was F? "F" was that the court would have to be assured that the proposed tax would not result in a depreciation of property values. That is an impossible standard, because any property tax is going to result in a depreciation of property values.

Suppose, for example, a school desegregation order said a school district had to allow in blacks. The school district's revenues come from property tax. Say the school district now must allow in 20 to 30 percent more children; the taxes then have to go up to pay for them. There go the property values.

My good friends on this side of the aisle are willing to drop section F, and I only hope that my amendment had come up first. It has not, but under the assurance that it will, I would simply wish to point out that the unconstitutional aspects of this provision are now gone.

With that, Mr. Chairman, I yield to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I thank the gentleman from California for yielding to me. I hope he teaches a law school course for Members of Congress in the evenings with or without credit because I completely agree with him.

PARLIAMENTARY INQUIRY

Mr. CAMPBELL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CAMPBELL. Is it in order, Mr. Chairman, to ask unanimous consent to consider my amendment ahead of this or to consider it at this time? Is there a procedural provision allowing that or not?

The CHAIRMAN. In response to the gentleman's query of the Chair, the pending amendment would have to be first withdrawn by unanimous consent of the Committee of the Whole.

Mr. CAMPBELL. Then I cannot proceed as I would have liked to. I thank the Chair.

Mr. GILCHREST. Mr. Chairman, I move to strike the requisite number of words.

I rise to support the Boehlert-Delahunt amendment. I would like to say very clearly first that the gentleman from Illinois has a good argument in that we are taxed very heavily now, so I want to commend him on his effort to streamline the whole complex tax system. It is just that I fear that his method, which we agree with basically, would go a little bit too far and have consequences that the gentleman from Massachusetts does not foresee. This bill and this amendment would not give the courts any extra power to raise taxes. It does not change anything in my understanding in that area at all.

The gentleman from Illinois quoted Jefferson. He quoted Madison and he quoted Hamilton. Jefferson and Hamilton certainly did not want taxation without representation. This amendment does not tax people without representation. People continue to have representation. Jefferson, Hamilton, Madison would want people to have clean water, and they would want the collective community to be responsible for clean water.

Let me give my colleagues an example. In my district, the Chesapeake Bay, over the last year or so, we have been having a problem with a microorganism called pfiesteria. It is scientific conclusion that pfiesteria is stimulated in part by extra nitrogen and phosphorous going into the waterways. The courts and the community, the public sector can impose fines and cause farmers to have to pay for the improvement of their practices to reduce phosphorous and nitrogen getting into the water.

If the gentleman from Illinois does not, if the gentleman from New York does not have his amendment passed,

the farmer would have to pay to clean up his act, but the local sewage treatment plant, which has also caused phosphorous and nitrogen into the waterway, which is called Pokomoke, would not.

So the farmer would go to all these expenses and the local sewage treatment plant and everybody has a little problem with money, even people have problems with whether or not there really is a problem. And sometimes there are problems with competency, and the court is there to say yes, you also have to clean up your act.

I will give you an example in Baltimore City. The sewage treatment plant right now is under order from the EPA to clean up their act. The EPA is going to fine, with the help of the courts, Baltimore not to put more nitrogen and phosphorous into the water.

The local ARCO plant, the local CONOCO plant, they have to clean up. They have to pay. The private sector has to pay. The farmer has to pay. But unless this amendment passes, the city of Baltimore does not have to do anything. They can continue to put the phosphorous and the nitrogen in the water that is causing to a great extent this microorganism that is decimating the fish population of the Chesapeake Bay.

The Boehlert amendment does not give the court system any iota of more power to raise taxes, but unless the Boehlert amendment passes, your local farmer is going to be more responsible for cleaning up the waterways than the public facilities. I am sure Jefferson and Hamilton wanted us to drink clean water, and I think this amendment is perfectly balanced.

Mr. Chairman, I yield to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman from Maryland for yielding to me. The examples he cited are perfect and the illustration he presented is right on target.

Courts cannot impose taxes. But courts are charged with the responsibility of dealing with the laws we, the House of Representatives, and the Senate, and the Congress of the United States, pass. And when we are dealing with sensitive issues like clean water, which we all depend on, and which the American people want us to protect, we have to make certain that the laws we pass are dealt with in a responsible manner by the courts.

The courts are not going to impose a tax, but the courts are going to say to a given community, for example, you have to stop polluting. And the community is going to decide how it has to stop polluting. I thank the gentleman for the example.

The gutting would occur, the gutting would occur, I would suggest, if we failed to amend section 5.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, the proponents of the Delahunt-Boehlert amendment are trying to draw a fine line between a direct tax and an indirect tax. The effect is the same. The elected representatives still have to raise taxes and is it not interesting, they say, well, this will protect, this will stop courts from raising taxes. In Rockford, Illinois, the judge, the unelected magistrate has ordered the school board to either raise taxes or go to jail.

□ 1230

There is no difference between that and the judge saying, "I am going to order raising of taxes on my own." The original language of section 5 allows both scenarios.

However, the Delahunt-Boehlert amendment removes the second scenario and not only says that the judge cannot directly raise taxes but it still allows the judge to indirectly raise taxes. And as to all the environmental issues and everything else, what our bill says simply is this, to live within our means, to allow remedial plans to come about.

Maryland already has a State law with regard to cleaning up the environment, to cleaning up the waters. All these scare tactics that this will gut environmental laws, this will gut ADA laws, that is not the case. We are simply saying that local communities and elected representatives should not be ordered to go to jail unless they raise taxes. Because the only constitutional function for the Federal raising of tax is the United States Congress and not the Federal judiciary. And that is why it is absolutely important, it is compelling that to make this law have any teeth, we must defeat Delahunt-Boehlert.

Mr. YOUNG of Alaska. Mr. Chairman, I would say just one thing. I was not going to get involved in this argument. But the concept that a judge can raise taxes on the public without due representation is inappropriate.

Secondly, when we hear these scare tactics about clean water and clean air and all these good things in this bill, that is pure nonsense. States have the authority to do this to begin with. The States have the right to do it, and they should do it.

I am going to suggest, I have seen small communities that EPA and other agencies have required to do certain things and they have gone broke. They have lost their schools, they lost other facilities in the infrastructure because of the agency saying they had to raise certain amounts of money to put in certain standards in that area.

I am suggesting, respectfully, that this amendment is a mischievous amendment that will give back the authority for judges. And I do not particularly like judges to begin with. I want to tell my colleagues right now, especially those that are appointed and have a life expectancy. I think it is also time to let them recognize that the people should be represented in this Congress.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. DELAHUNT).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. COBLE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 230, noes 181, not voting 21, as follows:

[Roll No. 103]

AYES—230

Abercrombie	Franks (NJ)	Martinez
Ackerman	Frost	Mascara
Allen	Furse	McCarthy (MO)
Andrews	Ganske	McCarthy (NY)
Baesler	Gejdenson	McDade
Baldacci	Gephardt	McDermott
Barcia	Gilchrest	McGovern
Barrett (WI)	Gilman	McHale
Bass	Gordon	McIntyre
Bentsen	Green	McKinney
Berman	Greenwood	McNulty
Berry	Gutierrez	Meehan
Bilbray	Gutknecht	Meek (FL)
Bishop	Hall (OH)	Meeks (NY)
Blagojevich	Hamilton	Menendez
Blumenauer	Harman	Millender-McDonald
Boehlert	Hefner	Minge
Bonior	Hinchey	Mink
Borski	Hinojosa	Moakley
Boswell	Hobson	Mollohan
Boucher	Holden	Moran (VA)
Brown (CA)	Hooley	Morella
Brown (FL)	Horn	Murtha
Brown (OH)	Houghton	Nadler
Burr	Hoyer	Neal
Camp	Jackson (IL)	Ney
Capps	Jackson-Lee (TX)	Oberstar
Cardin	Jefferson	Obey
Carson	John	Ortiz
Castle	Johnson (CT)	Owens
Clayton	Johnson (WI)	Pallone
Clement	Johnson, E. B.	Pappas
Clyburn	Kanjorski	Pascrell
Conyers	Kaptur	Pastor
Costello	Kelly	Payne
Coyne	Kennedy (MA)	Pelosi
Cummings	Kennedy (RI)	Pomeroy
Davis (FL)	Kennelly	Porter
Davis (IL)	Kildee	Poshard
DeFazio	Kilpatrick	Price (NC)
DeGette	Kind (WI)	Pryce (OH)
Delahunt	Kleczka	Quinn
DeLauro	Klink	Rahall
Deutsch	Klug	Ramstad
Dicks	Kucinich	Rangel
Dingell	LaFalce	Regula
Doggett	LaHood	Reyes
Dooley	Lampson	Rivers
Doyle	Lantos	Rodriguez
Edwards	LaTourette	Roemer
Ehlers	Lazio	Rothman
Engel	Leach	Roukema
Eshoo	Lee	Roybal-Allard
Etheridge	Levin	Rush
Evans	Lewis (GA)	Sabo
Ewing	Lipinski	Sánchez
Farr	LoBiondo	Sanders
Fattah	Lofgren	Sandlin
Fawell	Lowey	Sawyer
Fazio	Luther	Saxton
Filner	Maloney (CT)	Schumer
Forbes	Maloney (NY)	Scott
Ford	Manton	Serrano
Fox	Markey	Shays
Frank (MA)		

Sherman
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Sununu
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weller
Wexler
Weygand
White
Whitfield
Wise
Woolsey
Wynn
Yates

NOES—181

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bereuter
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady
Bryant
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jenkins
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Knollenberg
Kolbe
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Northup
Norwood
Nussle
Oxley
Packard
Parker
Paul
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Portman
Redmond
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Wamp
Watts (OK)
Weldon (FL)
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Barr
Bateman
Becerra
Boyd
Bunning
Clay
Cook
Cooksey
Dixon
Gonzalez
Hastings (FL)
Istook
Matsui
Miller (CA)
Olver
Paxon
Petri
Radanovich
Tanner
Watkins
Weldon (PA)

□ 1255

Messrs. CONDIT, DICKEY, KIM, SAM JOHNSON of Texas, and McKEON changed their vote from "aye" to "no."

Messrs. COYNE, GUTKNECHT, and EWING changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. MANZULLO. Mr. Chairman, I ask unanimous consent to strike section 5 of the pending bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. FRANK of Massachusetts. Mr. Chairman, reserving the right to object, not having been consulted on something of this importance, we are constrained to object, and so I do now object.

The CHAIRMAN. Objection is heard.

AMENDMENT OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CAMPBELL:

Page 9, line 5, and "and" after the semicolon.

Page 9, line 9, strike "; and" and insert a period.

Page 9, strike lines 10 through 12.

Page 9, line 2, insert after "remedied" the following: ", including through its effect on property values or otherwise".

Mr. CAMPBELL. Mr. Chairman, the passage of the Boehlert-Delahunt amendment makes this amendment less important. But I believe it is still an improvement in the bill.

I am authorized to say that this amendment is agreeable to the majority, agreeable to the chairman of the committee, and agreeable to the author of this provision of the bill.

So in the interest of time, I would be prepared to yield back, unless this is controversial, in which case I will take additional time to explain it. But I have already tried my best to explain it to both sides, and I believe it is not controversial. So in the interest of time, I would yield back.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think it is a very good idea. I have nothing absolutely to add to this debate.

The CHAIRMAN. Are there any other Members seeking recognition on the amendment by the gentleman from California (Mr. CAMPBELL)?

If not, the question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. ROGAN

Mr. ROGAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. ROGAN:

Strike section 6 and redesignate succeeding sections, and references thereto, accordingly.

Mr. ROGAN. Mr. Chairman, this amendment would involve deleting section 6 from the bill that is before us. Section 6 as proposed would allow parties as a matter of right in a civil case to peremptorily challenge a judge, without any showing of cause, for bias or prejudice. Under current law, a judge may be challenged for cause or for bias, but there must be an actual showing.

□ 1300

My concern, Mr. Chairman, with respect to the proposal that is set forth, is that it would do a couple of things. First, it would increase the likelihood that attorneys will use the new procedure for "forum shopping"; secondly, it would allow lawyers to put judges in the position where retail justice is being served.

Mr. Chairman, in California, my home State, we have a similar provision already on the books that is being proposed by this current legislation under section 6. Unfortunately it is often used for all the wrong reasons. We have a number of examples in California where judges have been challenged not because of their ability to be fair or to hear a case; they are challenged because of their race, sex, age, political affiliation, or some other factor unrelated to their ability to sit in judgment.

Mr. Chairman, in California when I was a judge, I was present at judicial conferences where judges sat around and polled each other as to what the "going rate" was for sentencing in a particular case. Judges knew that if they deviated from the going rate, then attorneys who had the ability to come into court and file a blanket affidavit of prejudice against them would do so, thereby precluding them from hearing either a case, or a class of cases.

I think that we ought to retain the current system where judges may be challenged in cases of actual bias or prejudice. Although I respect the fact that my dear friend, our former colleague from California, Dan Lungren, is in support of the bill in an unamended fashion, I rise because I oppose this one particular provision.

Mr. CANADY of Florida. Madam Chairman, I move to strike the last word.

Madam Chairman, I am not going to oppose the gentleman's amendment although I believe that there is a problem with the current system that needs to be rectified. Under the current system in many cases I believe that litigants who have a reasonable basis for believing that they are not going to be treated fairly by a particular judge do not really have any realistic recourse to have the case moved to be considered by another judge. I do not think the current system is working.

I am not going to oppose this amendment at this time because the version of preemptory challenge to judges that is contained in the bill is a much truncated version of my original bill which I introduced, which followed in a tradition that was started by Representative Drinan many Congresses ago when

he introduced a bill to allow for preemptory challenges of judges in criminal cases.

It is my belief that we should have a provision that covers criminal cases, civil cases in districts throughout the country. What is in the bill now, as a result of the work of the Committee on the Judiciary which I respect, is a version that only covers civil cases, it covers certain districts in the country, and I am not very enthusiastic about this version of the bill.

What I would ask the gentleman from California to do is to consider the problems with the current system and to work with those of us on the Committee on the Judiciary who are concerned about those problems for a realistic way of helping ensure that litigants can have confidence that they are going to be treated fairly and not be trapped in the courtroom of a judge who has a bias or who otherwise is not going to treat the particular litigant fairly. I think that is important to everyone.

In the past the American Bar Association has supported efforts along these lines of preemptory challenge. Preemptory challenge may not be the right way to do it, but I am convinced that the current system is fundamentally flawed. At least the way it operates is flawed in many cases, and we need to do something to address that.

Having explained that background, I will not oppose the gentleman's amendment, but I will hope that the gentleman, the gentleman from California (Mr. ROGAN), will be willing to work with us in coming up with ways of addressing the real problems that do exist because what we are looking for is a system that will protect all litigants, a system that will allow everyone going into court to believe that they are going to get a fair shake, not that they are going to get any advantage but that they will not be treated unfairly.

And that is my objection, and I believe that that is the objective of the gentleman from California and all the others who have been engaged on this issue.

Mr. ROGAN. Madam Chairman, will the gentleman yield?

Mr. CANADY of Florida. I yield to the gentleman from California.

Mr. ROGAN. Madam Chairman, first I want to thank my distinguished colleague, the subcommittee chairman, for his comments. And I think that the chairman has hit the nail on the head: there are some procedural defects in what is currently on the books.

I agree that the procedure that was being proposed, a blanket preemptory challenge, is not the best way to deal with this. I would be the first to concede that there are problems with the current system. These problems are as diverse as the personalities of those judges who might be inclined to hear a case. I would be honored to work with my colleague in this particular area to fashion a more appropriate remedy.

So I want to thank the gentleman for his comments and for all the work he has done on this bill.

Mr. CANADY of Florida. Madam Chairman, I thank the gentleman for his comments, and I would extend the same offer to work together to the Democratic members of the Committee on the Judiciary who have opposed the provisions of the bill but who I also believe are concerned about helping ensure that all litigants are treated fairly in cases that are brought in the Federal courts.

Mr. FRANK of Massachusetts. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I want to, as did the gentleman from California, express my appreciation for the spirit of cooperation that the gentleman from Florida, to say yes. I think this is something we could work on in a cooperative way. I would just like to express my appreciation to the gentleman from California, the gentleman from South Carolina, who joined in this bipartisan effort, and I think it is very likely in the spirit that is developing here we will be able to address these issues. So I welcome this support, I thank my colleagues for the cooperation, and I shut up.

The CHAIRMAN pro tempore (Mrs. EMERSON). The question is on the amendment offered by the gentleman from California (Mr. ROGAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Add the following at the end of the bill:

SEC. 12. PROTECTIVE ORDERS AND SEALING OF CASES AND SETTLEMENTS RELATING TO PUBLIC HEALTH OR SAFETY.

(a) IN GENERAL.—Chapter 111 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 1660. Protective orders and sealing of cases and settlements relating to public health or safety

"(a) FINDINGS OF FACT REGARDING PUBLIC HEALTH AND SAFETY.—No order entered in accordance with the provisions of rule 26(c) of the Federal Rules of Civil Procedure shall continue in effect after the entry of final judgment in that case, unless at or after such entry the court makes a separate finding of fact that such order would not prevent the disclosure of information which would adversely affect public health or safety.

"(b) RESTRICTION ON AGREEMENTS AMONG PARTIES.—(1) No agreement between or among parties in a civil action filed in a court of the United States may prohibit or otherwise restrict a party from disclosing any information relevant to such civil action to any Federal or State agency with authority to enforce laws regulating an activity relating to such information, unless the court makes a separate finding of fact that such agreement would not adversely affect public health or safety.

"(2) Any disclosure of information described in paragraph (1) to a Federal or State agency shall be confidential to the extent provided by law.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 111 of title 28, United States Code, is amended by adding at the end the following:

"1660. Protective orders and sealing of cases and settlements relating to public health or safety.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of the enactment of this Act and shall apply only to orders entered in civil actions or agreements entered into on or after such date.

Ms. JACKSON-LEE of Texas. Madam Chairman, I appreciate very much the detailing of my amendment because I think if we listen acutely and carefully, we will find that my amendment does represent judicial reform, and the reason is that I am not seeking to take away the discretion of the judiciary or the judge. I am simply saying that I think in support of the right to know of the American people, even if one would argue that we have not determined that secrecy prevails and that judges may assess in their own determination at some time and can be cited sometime that they had determined that in a settlement they would, in fact, allow the facts to be detailed.

We have found that most often secrecy, once it is requested, remains. That creates a dangerous and hazardous set of circumstances for American consumers, American business persons, and generally it interferes with the fairness of having knowledge about anything that can impact negatively on the community.

I want to focus in particular on the language of this amendment. It indicates that a judge is required to make an assessment of whether or not secrecy must be maintained. That means that it allows the judge to go in specifically and assess the facts and decidedly make a determination: Yes, this must remain secret; no, it must not. In that ruling we would hope that the judge would take into consideration the terrible devastation or the blight that would come about by way of not allowing this information to come out.

Let me share with my colleagues an example that bears on health and safety. A case in the United States Court of Appeals for the Fifth Circuit involved litigation of a manufacturer of an artificial heart valve. This manufacturer of heart valves was allowed to keep secret through a court order life threatening defects, even as more of these valves were implanted in patients. None of us want to tolerate that sense of a lack of responsibility. We realize there was a settlement, but in this instance if we take the scales of justice, the weight of the public right to know is a more important right and responsibility than the secrecy of litigation.

I would argue I do think that if we weigh the scales of justice we will find that the higher right and the higher moral ground, along with the balance of the scales of justice, requires that we have a situation where we have an oversight over the overall point of perspective of settlement secrecy.

Let me add one other case. There was a case in the Third Circuit where the manufacturer of a drug that caused internal bleeding, they secured a secrecy order barring the injured consumer's attorney from disclosing this information to a government agency.

I am saying to all of my colleagues, this impacts our quality of life. In 1984 studies indicating the hazards of silicon breast implants were being uncovered. However, because of a protective order, this critical information was hidden from public view and from the FDA until 1992, more than 7 years and literally tens of thousands of victims later. Secrecy in our State and Federal courts undermines the right to know of every American citizen.

Let me now intervene and say it is not open season on secrecy. This particular amendment, if we are truly concerned about judicial reform, simply requires the judge to make a ruling that, yes, this does not impact the public health and safety.

Madam Chairman, I cannot imagine that Americans would not be so concerned as to not ensure that we have the open access to information that would impact their life and safety.

□ 1315

Secrecy keeps vital health and safety information from consumers. They have a right to know. The confidential settlements of early litigation involving the artificial valves kept life-threatening defects secret, even as more valves were being implanted. Hundreds of patients have died as a result of our failure.

In other cases, doctors have avoided disciplinary charges because court files, which would document negligent care, have been sealed. Secrecy creates more litigation. If you do not have the right to have this information acknowledged, then others are injured.

What does that generate? More litigation. If we are talking about bringing down the cost of what we perceive to be a litigious society, I happen to think everyone has a right to access the court of justice. But if for matter of argument we talk about increased litigation, secrecy helps to increase litigation, no matter what the cause. Business, personal injury, whatever we speak of, if we do not have knowledge and information, we increase litigation.

I would simply say as the American courts operate under the presumption of openness, my amendment enhances that openness. It allows those who feel that there is an element of secrecy that devastates the public safety the opportunity for the judge to rule that, in fact, this information must be presented to the American public and protect the safety and health of Americans.

Mr. COBLE. Madam Chairman, I rise in opposition to the amendment.

Madam Chairman, the tenor here on the floor has gone from discord to harmony. I am not going to bring it back to discord, but I want to at least go on record as resisting the amendment of the gentlewoman from Texas.

The amendment was defeated during the committee markup of the bill. It is opposed by persons interested in privacy issues; as well as the business community, including the National Association of Manufacturers, NFIB; the Chamber of Commerce, and others.

The amendment, it seems to me, would limit the ability of parties to negotiate private settlements and the authorities of a court to seal sensitive information after a final judgment has been reached unless a court makes a separate finding of fact that not revealing the information would not adversely affect public health or safety.

Recent studies, the Harvard Federal Judicial Center, the Judicial Conference, they strongly suggest that protective orders issued under rule 26(c) are not causing health or safety problems. In fact, the Civil Rules Advisory Committee of the Judicial Conference met in March, last month, and determined that no changes to rule 26(c) were needed.

Since many protective orders, and maybe most, are issued in employment discrimination and civil rights cases, the amendment would compromise the privacy rights of individuals, it seems to me. For example, a sealed order regarding medical records of an AIDS patient, for example. The amendment would also jeopardize the proprietary rights of businesses, trade secrets, and other confidential information, which a competitor might want to gain access to such information.

The courts already have rather wide discretion not to issue protective orders or to modify or rescind them. Discovery and the discovery process are designed to encourage parties to share information with each other and to settle, if possible. The amendment, it seems to me, interferes with this process and may well impose a greater strain on limited judicial resources.

Madam Chairman, I urge my colleagues to vote against the amendment.

Mr. CONYERS. Madam Chairman, I move to strike the last word.

Madam Chairman, my dear friend, the gentleman from North Carolina, Mr. COBLE, pointed out this amendment was defeated in subcommittee. Well, that is probably an indication it is a pretty good amendment. But it is important that we know that.

The next thing I should point out to everybody is that this amendment does not apply to civil rights cases. This amendment prohibits orders preserving the secrecy of documents that would adversely affect public health or safety. So, we are all in agreement so far.

So this is an amendment you might want to consider favorably, because when you do not disclose vital health and safety information and keep it out of the public's reach, we have people that pay dearly; loss of life, as has been referenced by the gentlewoman from Texas.

So these protective orders are dangerous. The artificial heart valves problem with their defects were kept hidden. Hundreds of people died unnecessarily, because the court allowed these records to be sealed.

Then before I yield to the gentlewoman from Texas, I want to raise the problem that might become involved with the tobacco settlement. Look, the court records have hidden thousands of critical documents concerning the strategies used around teenage smoking, minority targeting, nicotine manipulation. You do not want to keep that information secret, do you?

The tobacco industry, bless their hearts, have gone to incredible lengths to keep these documents under wraps. Let us make sure that with this amendment, they will not be able to do that, because the courts are public institutions, and the records and what goes on in the courts should be within the province of the people.

Ms. JACKSON-LEE of Texas. Madam Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank the ranking member for yielding. I am glad the gentleman has emphasized this is not and does not have an impact on civil rights cases. Clearly, it points to the question of public health and safety.

Interestingly enough, if we want to clarify the procedural tracking of this amendment in committee, we had unanimous consent on this amendment for a period of time. I do note, and I, too, want to add to the collegiality of the floor debate and say to the gentleman from North Carolina (Chairman COBLE) that I recognize that there are supporters of this bill that are not supporting this particular amendment. Many of them are from the manufacturing and business community.

I would argue that that does not justify opposing this particular amendment, because, in fact, I think it is more important to not get into a discussion between defense attorneys and trial lawyers or plaintiff's lawyers. This has to be a question of the public health and safety and the balance between the scales of justice.

Do you want knowledge about car seats that impact babies to be kept secret, so that those who would have to

utilize these seats will not have the opportunity to know the information to prevent future litigation? What about Xomax, the artificial pain reliever that was manufactured in the early 1980s and was found to be dangerous? What about waterslides, where a gentleman fell and slid and broke his neck? Why would we not want the information to be able to provide the consumers with the basis of not having that happen again?

So I really think that we do better to err on the side of allowing the judge, and, again, this is not open season on violating settlements; it is allowing the judge to make an independent assessment that, in fact, you would do damage to public health and safety if you did not open these records.

Mr. CONYERS. Madam Chairman, reclaiming my time, it is an easy "aye" vote, and I urge support of the amendment.

Mr. NADLER. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in support of this amendment. I think it is an excellent amendment.

We have all read in the newspapers of settlements of major lawsuits in which many of the documents in court, the terms of the settlement, are secret. The fact is one of the purposes of our system of justice is to vindicate the public interest and the public safety. The suit in which someone sues a major company because the product they are producing is unsafe, that it is going to cause deaths, and the company settles the suit, and one of the terms of the settlement is that the evidence and the admission, perhaps, that this product is unsafe, or will cause death unless modified; you keep that secret so people do not know it, that does not serve the public interest.

Companies should not be permitted to buy off for cash these kind of safety concerns so that other members of the public will die or be injured. This needs to be in the public domain.

So I commend the gentlewoman from Texas (Ms. JACKSON-LEE) for having the originality and initiative to offer this amendment. I ask my colleagues to vote for it.

Ms. JACKSON-LEE of Texas. Madam Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank the gentleman for his leadership on many of these issues.

I would like to go back, Madam Chairman, to something that remains sort of controversial even today, but knowing the many breast implant survivors that I have had the opportunity to interact with from a perspective of not trying to do anything more than to bring to the American public that their illnesses, that the impact of the silicone breast implants are not a dream; they are not unreal, they are actually real.

So we are not talking about now the litigation and debate or nonlitigation. What we want to debate is whether or not if we had had this particular provision we would have been able to avoid the tragedies of what we are seeing today with so many victims of silicone breast implants.

For example, in 1984, as I said earlier, and I want to repeat this, studies indicated the hazards of silicone breast implants were being uncovered. Because of a protective order, this critical information was hidden from the public view and from the FDA until 1992, more than 7 years, and literally tens of thousands of victims later.

I would imagine if the business community actually sat down, scratched their head, and took out their pen, it would have been better for this information to be known in 1984 to avoid the thousands upon thousands and millions of women who have been devastated by the silicone breast implant. Knowledge would have avoided the tragedies of 1998.

I also say that with respect to fuel tanks, with respect, as I said, to the heart valves, with respect to a certain lighter that was utilized, as well as certain xerox, asbestos, the Corvair story which we know so full well, these are stories that the American consumers would have far better appreciated or benefitted, if a judge had simply assessed beyond the need of secrecy and the individuals inside that courthouse, to say you have a settlement. But with respect to the violation of the consumer product or the product itself, I believe in making an assessment.

That information should either go to the public or a governmental agency. That is what we are losing if we do not vote for this amendment. I cannot imagine if we are talking about judicial reform that we would not allow a court to make that assessment.

For the response that the rule works all right, what was really said was we have seen no problems. We know a judge will do it if they need do it. Again, I am not doubting the integrity of the judiciary, but this is too high a stake for us to leave it randomly to the arguments of lawyers who would plead to that judge, "don't you dare," and, rightly so, the judge leaves it secret, rather than making an independent assessment that would cause a review of that material to allow just that information, public safety and health, to be allowed to be part of the public right-to-know.

Madam Chairman, with that, I would ask with all due seriousness and call for judicial reform; that this is an amendment that speaks to reform beyond all. I would certainly ask that my colleagues join in voting for this amendment on behalf of the American people's right to know.

Mr. NADLER. Madam Chairman, reclaiming my time, I would add that I hope everyone votes for this amendment. It seems to me this is one of the very few amendments for which the arguments are all on one side. I urge all Members to vote for it.

The CHAIRMAN pro tempore (Mrs. EMERSON). The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

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

RECORDED VOTE

Ms. JACKSON-LEE of Texas. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 177, noes 242, not voting 13, as follows:

[Roll No. 104]

AYES—177

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Bereuter
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Fox
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Green
Hall (OH)
Harman
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Luther
Maloney (CT)
Manton
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rohrabacher
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Slaughter
Smith, Adam
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—242

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett

Barton
Bass
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lucas
Maloney (NY)
Manzullo
Matsui
McCollum
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Bateman
Clay
Cook
Dixon
Gonzalez
Gutierrez
Hall (TX)
Hastings (FL)
Istook
McCrery
Miller (FL)
Paxon
Tanner

□ 1351

Ms. McCARTHY of Missouri, Mrs. THURMAN and Mr. BOSWELL changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. WELDON of Pennsylvania was allowed to speak out of order.)

ANNOUNCEMENT OF FIRE EMERGENCY IN THE LONGWORTH HOUSE OFFICE BUILDING

Mr. WELDON of Pennsylvania. Madam Chairman, I move to strike the last word.

Madam Chairman, we just experienced what could have been a very tragic incident in one of our House office buildings, and that was a fire which started in the basement of the new elevator shaft that is being constructed, that poured smoke throughout that seven-story complex and required that building to be evacuated for a significant period of time.

Eleven years ago I came on this floor and offered a privileged resolution of the House regarding the health and safety of the Members, because we had a similar fire in then Speaker Jim Wright's office which burned out of control, and to which I had to respond that the buildings that we work in are absolute fire traps because there were no detection devices, no alarm systems, no sprinklers, there was no preplanning, no exit drills. There were no efforts in place to guarantee the safety of both the Members and our constituents.

Today I can rise and report exactly the opposite. In fact the response was quick, it was efficient. The Sergeant at Arms, the Capitol Hill Police, and those brave officers who by the way had to go to the hospital because of smoke inhalation and whose names I will enter into the RECORD today, all performed above and beyond the call of duty.

I might add, however, that Members who were on the seventh floor of Longworth did acknowledge that immediately the alarm system did not go off, and that is the reason why we must continue to press for adequate preplanning and the need for us to understand the severity of the situation.

As I stood there during the entire operation and saw people in wheelchairs and people who were challenged physically coming off the elevators, we come to realize the importance of taking lessons in advance to understand the potential for injury and perhaps even loss of life in these kinds of situations.

So while the story was absolutely a positive one, and Sergeant at Arms Livingood and the Architect of the Capitol, Ken Lauzier and the Chief of the Capitol Hill Police did an absolutely fantastic job with all the various components that we could muster on Capitol Hill, Dr. Eisold's staff to treat those personnel who were, in fact, affected with smoke inhalation, there are some lessons to be learned from this. I would hope that it would remind all of us that we need to understand that life safety, both for ourselves and for our staffs and for our constituents, needs to be a top priority every day this Congress is in session.

Mr. HOYER. Madam Chairman, will the gentleman yield?

Mr. WELDON of Pennsylvania. I yield to the gentleman from Maryland.

Mr. HOYER. Madam Chairman, I thank the gentleman from Pennsylvania (Mr. WELDON) for yielding to me. Madam Chairman, as all of us know, many of us know, the gentleman from Pennsylvania has been one of the leaders on fire service protection not only on Capitol Hill but throughout this country.

He is a former chief of a volunteer fire company of his own congressional district, a former municipal leader. And he did, in fact, raise to a high level of attention, subsequent to the fire in Speaker Wright's office, the necessity to make our buildings more safe for our Members, for our staffs, as well as for the visitors to our offices.

Today's fire in the Longworth House Office Building was a fire that apparently an acetylene torch, I think, heated up some materials that ignited very rapidly and shot flames seven stories high up through the elevator shaft. There was very significant smoke on the seventh floor. I do not know about other floors, but I heard from my staff on the seventh floor.

What is significant, and I think we all ought to know, is the extraordinarily quick and very skillful response that was given by the Capitol Hill officers, our medical staffs, the Sergeant at Arms' staff, all of those who were called upon to assist in evacuating the building. Some of the officers that were taken out, were taken out because they remained in the building to make sure that the building was, in fact, evacuated by showing great courage to assure the safety of all of those who might be in the building.

In addition, I want to report that my staff reported that the District of Columbia Fire Department was there almost immediately. There has been some criticism of the District of Columbia Fire Department for not responding as quickly as they might, but in this instance they were there very, very quickly.

And I think we owe a debt of thanks to all of those who we rely on day-to-day. As is so often the case, we do not think of them because we are not personally involved, it does not happen, there is not a crisis. And because they are there to respond to domestic crises such as this and we do not have one, we may not acknowledge their presence and their readiness to risk their limbs and their lives to protect their communities.

So I want to join with the distinguished gentleman from Pennsylvania (Mr. WELDON), who has really made it a cause, and a successful one at that, to ensure that we are aware of the risks

and take every precaution to avert risks that might have tragic consequences for individuals not only on Capitol Hill, not only in this city, but throughout this country.

So I thank the gentleman for taking this time and thank him for yielding me this time.

Mr. WELDON of Pennsylvania. Madam Chairman, reclaiming my time, just in closing I would mention from the D.C. Fire Department that Battalion Chief Schaefer was the leader. We had Engine Company 13, 2, 8 and 6; Truck Company 7 and 10; Rescue Company 1 and 3; and Battalion 2. They did an absolutely fantastic job.

In addition, I would like to enter the names of those officers who were taken to the hospital. We do not know the status of these officers' conditions. They were all affected by smoke inhalation, but I think it once again underscores the need for us to be aware of the duty and the honor that these people take so seriously in protecting the lives of ourselves and our constituents.

Taken to local hospitals and either treated or currently there for further treatment are Sergeant Givens, Officer Merz, Officer Scott, Officer Worley, Officer Sturdivant, Officer Cleveland and Officer Blackman-Malloy.

□ 1400

We thank all of them. We thank the chief of the department, Chief Abrecht. We thank Bill Livingood for a fantastic job, Dr. Eisold, as well as Ken Lauzier and everyone who came together in doing what should have been the right thing, and that is responding. I would encourage, again, our colleagues to remember that on the seventh floor, the alarm did not go off.

It is our responsibility to make sure if an incident occurs that we have to activate that manual alarm. It does not activate automatically. You have to pull that device down. That was not done on the seventh floor.

Furthermore, I would say this is an opportune time for me to announce that next Thursday at this time, 12 noon, there will be 3,000 firefighters from across the country in the parking lot right outside this door where we will assemble the largest gathering of the Nation's fire and EMS community who are coming to us to talk about the fact that they feel we are not doing enough to assist them in their current efforts by our agencies in Washington to deal with the threats of terrorism and the response to those terrorist acts.

I would encourage our colleagues to join with the gentleman from Maryland (Mr. HOYER) and myself as we have a national press conference with the Speaker in attendance and focus on their issues, one week from today at 12 noon directly outside of the House Chambers.

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NADLER:

Page 17, strike line 20 and insert the following:

(b) AUTHORITY OF DISTRICT COURTS.—

(1) IN GENERAL.—Notwithstanding—

Move the remaining text on lines 21 through 25 2 ems to the right.

Add after line 25 the following:

(2) OBSCURING OF WITNESSES.—(A) Upon the request of any witness in a trial proceeding other than a party, the court shall order the face and voice of the witness to be disguised or otherwise obscured in such manner as to render the witness unrecognizable to the broadcast audience of the trial proceeding.

(B) The presiding judge in a trial proceeding shall inform each witness who is not a party that the witness has the right to request that his or her image and voice be obscured during the witness' testimony.

Mr. NADLER (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. NADLER. Madam Chairman, I am pleased to offer this amendment along with my colleague, the gentleman from Ohio (Mr. CHABOT). As my colleagues know, this bill would permit cameras into Federal district courts at the judge's discretion. In the past, I have been very concerned, and I have opposed allowing cameras into trial courts because I feared it might intimidate witnesses. It is already intimidating enough for someone who witnesses an accident or a crime, and then sees an appeal on television that the police ask anyone who has seen this or has information please come forward. It is intimidating enough for such a person who knows that if they come forward they may well be asked to testify in court; they may well be subject to cross-examination by an attorney whose job it is to impeach their credibility as a witness, and to make them look foolish. In effect, that is a pretty intimidating prospect.

It is bad enough even if you are only going to be subject to that cross-examination in front of 30 people in the courtroom. But to be subject to that cross-examination perhaps in front of all your relatives, and friends, and wife, and children, and neighbors might be even more intimidating. I have always feared that this might lead to some witnesses not coming forward.

The gentleman from Ohio (Mr. CHABOT) suggested a way out of this dilemma, and I am delighted to join him in offering this amendment. He suggested, and what this amendment does is to say that where you are having cameras in the courtroom in a trial court, any witness other than a party to the action may at his or her request have his face and voice distorted so you cannot tell whose face it is, and you cannot recognize the voice. You can still hear what he is saying on the television so that, yes, this person's name will be known; yes, you can photograph him walking in or out of the courtroom, but he is not, he will have less fear of being made to look foolish in front of his friends on television by the opposing attorney.

This is not the most important thing in the world, but I suspect very much that there are witnesses in this world who will come forward if this is the procedure who might not otherwise come forward if this is not the procedure.

Again, you have cameras in the courtroom. This does not take that away. But it simply allows a witness at the witness' request to have his or her face and voice obscured during the testimony. At the committee, no arguments were offered in opposition so there was some confusion and some Members voted against it. I hope that will not happen on the House floor today.

Mr. CHABOT. Madam Chairman, I move to strike the last word.

I rise in support of the amendment offered by the gentleman from New York (Mr. NADLER) and myself. The amendment gives important protections to witnesses who may be otherwise reluctant to testify in a televised trial by requiring upon request of the witness that the face and voice of the witness be disguised or obscured in such a manner that it will not be evident who that person is testifying. I think it is a good amendment. I thank the gentleman for offering it.

Mr. COBLE. Madam Chairman, I move to strike the requisite number of words.

I will not consume 5 minutes. As we all know, cameras in the courtroom is an issue adamantly opposed by some; enthusiastically supported by others. This amendment, it seems to me, does no harm. It modifies the cameras in the courtroom approach slightly, but I think there the error is harmless, and I will not resist the amendment, not oppose the amendment.

Mr. FRANK of Massachusetts. Madam Chairman, I move to strike the requisite number of words.

After the passionate appeal of the gentleman from North Carolina, I thought I would try to restore a sense of calm to the Chamber. I also do not regard this as an amendment of enormous significance. I may approach it, however, from the opposite direction. I do not like the underlying provision.

I think requiring witnesses to a trial to be on camera, I think, is a mistake. I think where you are talking about appellate courts, it is reasonable, and I think the Supreme Court of the United States deserves criticism for not allowing its arguments to be run. I can think of few things that would be more useful and more informative for the country than for people to be able to watch Supreme Court arguments.

The notion that the nine Supreme Court justices and members of the Supreme Court bar would somehow be intimidated or thrown off by this is nonsensical. But when you get to witnesses, I think it is a mistake. I am not offering an amendment now; I do not want to take the time in the House. I do think the gentleman's amendment makes a situation that I regard as an unfortunate one a little less unfortunate. I think it is a good idea to have the face obscured.

On the other hand, I do have to say the gentleman said, well, people might be afraid of being made to look foolish. They will still be made to look foolish. They will, however, be made to look foolish with their face obscured. There may be a large number of people in this society who do not mind being made to look foolish, when everyone knows who they are, as long as their faces are obscured. But I think the, okay, put a mask over me and make me look silly group is smaller than my friend may make.

So therefore I would rather not see this at all with regard to witnesses. I do think anybody ought to have a right to object. When you talk about people who are involuntary participants, private citizens, not used to the public debate being thrust into the public this way in a trial, I do not think it is a good idea to require them to be cross-examined, perhaps, and made to look foolish to be there. But that is not the issue now. This is an amendment that, as I said, makes what I regard as an unfortunate situation a little less unfortunate, so I will also vote for the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The amendment was agreed to.

Mr. WATT of North Carolina. Madam Chairman, I move to strike the last word for the purposes of a colloquy with the chairman.

I simply wanted to, in a sense, create a legislative record so that everybody is aware of an interpretation that we are giving to a provision in this bill, and wanted to call the chairman's attention to page 3, section 3 of the bill, and reaffirm with the chairman that it is, in fact, the intention of this bill to allow an immediate appeal either on the granting of a class action motion, or on the denial of a class action motion to assure that this provision in the bill is intended to work in both directions.

Mr. COBLE. Madam Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from North Carolina.

Mr. COBLE. Madam Chairman, the gentleman from North Carolina is precisely correct; that is the intent, to apply to both.

AMENDMENT OFFERED BY MS. LOFGREN

Ms. LOFGREN. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. LOFGREN:

Add the following at the end:

SEC. 12. PARENT-CHILD TESTIMONIAL PRIVILEGES IN FEDERAL CIVIL AND CRIMINAL PROCEEDINGS.

Rule 501 of the Federal Rules of Evidence is amended—

(1) by designating the 1st sentence as subdivision (a);

(2) by designating the 2nd sentence as subdivision (c); and

(3) by inserting after the sentence so designated as subdivision (a) the following new subdivision:

"(b)(1) A witness may not be compelled to testify against a child or parent of the witness.

"(2) A witness may not be compelled to disclose the content of a confidential communication with a child or parent of the witness.

"(3) For purposes of this subdivision, 'child' means, with respect to an individual, a birth, adoptive, or step-child of the individual, and any person (such as a foster child or a relative of whom the individual has long-term custody) with respect to whom the court recognizes the individual as having a right to act as a parent.

"(4) The privileges provided in this subdivision shall be governed by principles of the common law, as they may be interpreted by the courts of the United States in the light of reason and experience, that are similar to the principles that apply to the similar privileges of a witness with respect to a spouse of the witness.".

Ms. LOFGREN (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. LOFGREN. Madam Chairman, this amendment is offered by myself and the gentleman from New York (Mr. NADLER) to correct what is a very serious defect in our Federal criminal and civil procedures.

Under our Federal law and the law of many States, children can be compelled to testify against their parents, and parents can be compelled to testify against their children. Although most prosecutors refrain from subjecting a family to this terrible situation, it can and does occur. I have long believed that parents and their children should be shielded from this trauma, and that doing so would not do significant damage to the administration of justice.

Therefore last month the gentleman from New York (Mr. NADLER) and I introduced H.R. 3577, which currently has 18 cosponsors in the House. This bill, the Confidence in the Family Act, is identical to this proposed amendment.

This amendment would ensure that parents and children could not be compelled to testify against one another, and that confidential communications between parents and children will be protected. These privileges would be similar to the privileges currently provided under Federal law to spouses, and would be developed by the courts in light of the common law, reason, and experience.

Rule 501 of the Federal Rules of Evidence states that, except as otherwise required by the Constitution of the United States or act of Congress, the privilege of witnesses, persons, governments, States, et cetera, will be governed by the principles of the common law as they may be interpreted by the courts of the United States.

We went to this development of evidence back in 1975 when the Committee on the Judiciary recommended, and the Congress adopted, the rule that allows our courts to develop the details of privileges and exceptions.

As you note, in the amendment that the development of this exception for parents and children should follow that allowed for spouses. In answer to some questions that Members have had, spouses currently can be compelled to testify against each other in certain circumstances.

For example, threats against spouses and spouses' children do not further the purposes of marital communications, and therefore are not protected from disclosure. Similarly, marital communications subject to the privilege are subject to an exception for crimes committed against a minor child and the rule that one spouse cannot be a witness against the other is subject to exception where one spouse commits an offense against the other. That is U.S. v. Allery.

Why is this important? I think many of us, without going into any of the details, recently observed a situation in which a mother was asked in a very high profile case to testify about confidences that her daughter had placed in her. When I saw that, and it is not a new thing in the law, I immediately thought of my daughter who is 16 years old, and I thought, could the government force me to reveal what my 16-year-old told to me in confidence? There is something quite wrong about that.

We parents spend most of our lives trying to make sure that our children trust us enough that if they have a problem, if there is something that is troublesome, they always know that they can, and they should, come to their mom and sort through it with us so that we can help them make mature decisions, so that we can help them lead a good life, and come to where they need to be.

If the young people of this country understand, as they currently do now, unfortunately quite well, that the confidences revealed to a parent as we sort through the things that we do in adolescence could be forced out into public view, that important bond, that important value, that family value is unalterably disrupted.

We have talked a little bit about the details and the exceptions to this rule of evidence, but I think it is important to understand why there are exceptions to forcing testimony at all.

□ 1415

We do not force a husband and wife to testify against each other, and the reason why is that we have said that the spousal relationship is so important that we will not allow it to be disrupted by the government for any purpose.

Surely, the relationship between mother and daughter, between father and daughter, between father and son is as valuable, as precious as that between husband and wife.

I hope that the House will look favorably upon the amendment.

Mr. COBLE. Madam Chairman, I rise in opposition to the amendment, and I do so not real comfortably because of the fact that the gentlewoman from California (Ms. LOFGREN) has been a very valuable member of the Committee on the Judiciary and, more specifically, the Subcommittee on Courts and Intellectual Property.

But I say to the gentlewoman from California, there is a matter that probably should have come a little earlier. I realize that we cannot always be perfect as far as timing is concerned. But Rule 501 simply requires a court to observe principles of common law when deciding whether to confer privileged status to an individual or relationship unless an action is civil and involves State law, in which case State law on the matter would be applicable.

A privilege means, as most of my colleagues know, that a court may not compel testimony against a privileged witness or party. For example, many States will not compel a person to testify against his or her spouse or to reveal confidential conversations between them.

The amendment creates a broad privilege that would prevent a court from compelling a witness to testify against a child or a parent of that witness or from revealing confidential conversations between the two. The overwhelming majority of Federal and State courts, Madam Chairman, have rejected such a parent-child privilege.

The Judicial Conference—well, let me say it a different way. I do not mean to say that we should only comply with what the Judicial Conference wants. But we do stay in touch with the Judicial Conference, and the Judicial Conference has not informed the committee that it plans to recommend any changes to Rule 501, which is of some significance I think.

Recognition of a parent-child privilege might prevent a parent from acting in the child's best interest by notifying authorities. Similarly would the alleged benefits of such a privilege outweigh the harm caused by a child whose testimony could not be compelled against a parent indulging, for example, in drug trafficking.

The scope of the privilege is not explained in the Lofgren amendment. I do not think the scope of the privilege is explained in the amendment. For example, would it only apply to unemancipated minors? What about stepparents? What about grandparents?

And I guess I alluded to this earlier, Madam Chairman, that this was not the subject of the subcommittee hearing nor the full committee markup. And I think the idea is, essentially, untested at the State level; and I just do not believe that we can anticipate the consequences of enactment. And I just believe that it is ill-timed, among other reasons that I just mentioned.

Madam Chairman, I yield to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Madam Chairman, I recognize that the gentleman from North Carolina disagrees on the substance, but I did want to clarify so as not to mislead in terms of my previous comment. I was referring to line 3 in Rule 501.

"The privilege of a witness, person, government, State or political subdivision thereof shall be governed by the principles of the common law as they may be interpreted by the courts of the United States and in the light of reason and experience," is what I meant to refer to so as to avoid any confusion.

And as my colleague notes in the amendment, on line 3, page 2, the amendment suggests to the court that the privileges to be carved out for parent-child should be similar to those with the same exceptions that have been devised for the spousal privilege.

Further, in answer to the question as to foster parents or stepchild, I have suggested, on line 17 on section 3, that such individuals should be included if the court recognizes that the individual is seen as having the right to act as a parent.

Mr. NADLER. Madam Chairman, I move to strike the last word.

Madam Chairman, I rise to support this amendment to protect the parent-child privilege. A few weeks ago, I joined with the gentlewoman from California (Ms. LOFGREN) to introduce a bill to create this privilege in Federal law; and I am proud to support this amendment today.

Frankly, I always assumed it was in the law. It was only when we read about the situation with Ms. Lewis being compelled to testify against her daughter by the independent counsel that I, to my surprise, found there was no such privilege.

This amendment will not affect that situation. That testimony has already occurred. But it will affect the future.

We pride ourselves in this country on the sanctity of the family. It is one of the core, fundamental American values. We encourage our kids to talk to us. We ask them to confide in us, to come to us when they are in trouble. It is not always easy, but I am sure a lot of fellow parents out there will agree with me when I say that developing that bond of trust between parent and child is part of what being a parent is all about.

The concept that a parent could be compelled to testify against his or her own daughter or son is shocking to a lot of people. It is shocking to me. In fact, a lot of people that I have spoken to are amazed that this kind of thing is not illegal already. They have asked, how can we do this in America?

We have decided in our judicial system that certain privileges, certain relationships are sacred. The vast majority of jurisdictions recognize the husband-wife privilege as well as attorney-client and psychiatrist-patient. And, yes, there are cases that would have turned out differently if we could have compelled a psychiatrist to testify about his patient or lawyer against her client or husband against wife or wife against husband. But that is not the kind of judicial system we want, where husbands and wives are compelled to testify against each other except where there has occurred spousal abuse or child abuse or something of that nature. It is not the kind of country we want.

I have long believed that the same sort of privilege should be extended to parents or children. No parents should ever be faced with the agony of being in contempt of court or of testifying against his or her child. No child should ever have to fear that sharing personal information with his parent or her parent could result in a subpoena for his parent.

This amendment would remedy this by establishing this parent-child privilege and would require the Federal courts to establish its boundaries according to the principles of common law as well as the court's own reason and experience.

For the past several years, there has been a lot of talk in this town about family values. I think it is fair to say that this amendment is a test of that. If we truly respect family values, we must put our money where our mouth is. If we truly respect family values, we must protect the ability of parents and children to have full trust in each other and not fear the court's subpoena to get in between them.

Now, I heard the gentleman a moment ago say that we do not want to prevent parents, that this amendment might prevent parents from notifying authorities in case of crimes or damages. But that is mistaken. It would not. This amendment would only prevent compulsion from the court. It would prevent the court from compelling a parent to testify or a child to testify against his or her parent. It

would certainly not prevent the parents from notifying the police or the courts of drugs of or crimes or of danger or anything else that they wanted to notify and thought it advisable to notify the police or other authorities about. It simply would say the court shall not be between a parent and child and compel that testimony.

I think we have to recognize, as to this human relationship we have, if we are ever going to be serious about protecting family values, this is the key. Everything else we do about family values may be wise or not wise, but nothing is more key than enabling a parent and a child to talk under all circumstances without anyone worrying that someone is going to compel the child or the parent to testify in court about the confidences. We want children to be able to confide in their parents and vice versa.

So I very much urge all my colleagues to support this excellent amendment.

Mr. FRANK of Massachusetts. Madam Chairman, I move to strike the requisite number of words.

I rise to disagree with my friend on the general principle, also on one specific. He said, in the course of discussion of good conversations with our parents, we should put our money where our mouth is. My mother always told me never to put any money in my mouth. So I want to be truth to what she taught me.

But I have both substantive and procedural objections to this amendment. I understand that a lot of my colleagues were unhappy with what Kenneth Starr did. I have been often unhappy about what Kenneth Starr did. We might even want to come back after we have adjourned in a special session and call it the Kenneth Starr correction session. Because there are a number of things I would like to do to change some of the things Kenneth Starr has done, beginning with the underlying statute, but not in this manner.

Hard cases make bad law we are told. Well, it can also be bad law if we react too quickly because we have a specific objection to a particular act. I am sorry that he subpoenaed Marcia Lewis. But what if we were talking about a case of murder? What if we were talking about a kidnapping? What if we were talking about a 60-year-old parent and a 35-year-old child? What if the criminal was the 60-year-old parent and the 35-year-old child had valuable information dealing with a serious felony?

This bill extends the privilege equally to a 35-year-old child of a 60-year-old accused criminal as it does to a 35-year-old mother of an 8-year-old child, or vice versa. So, for instance, one of the questions I have and I noted my staff pointed out to me, the State of Massachusetts has such a privilege for minor children only. Now, that is an interesting idea I would like to explore. Maybe there ought to be some kind of privilege for minors. But that is not in this bill.

This bill went through subcommittee. It went through hearing and subcommittee and committee. This is the first I have heard of it. I notice the gentlewoman from California (Ms. LOFGREN) did file this as part of her bill on March 28, the Friday before we went out. It is just not enough time.

This is civil and criminal. Maybe there should be a privilege in civil cases. Although, even in civil cases, I note when I read about insider trading, a crime which a lot of people on my side do not like, that very often those involved in insider trading are relatives, they are adult relatives, the adult stockbroker son of a lawyer father or mother. Well, I do not know that I want to give those people a privilege.

I do not see that there is any problem in saying that adult children and adult parents who are in the financial business can conspire to do inside trading without talking to each other. These are all the issues that ought to be talked about, and they have not been.

I do not think it is a good idea in anger against Kenneth Starr to bring this forward at this point without knowing a lot more about it. Maybe there are Members here who know a lot more than I do about this subject. That would not be hard. But that is precisely the point. I doubt that very many of us are very familiar with this.

The gentleman from New York (Mr. NADLER) acknowledged that he was surprised, as many were, that there was no such privilege. I do not think we should go as a body from ignorance about it, which I certainly had, to within a month or so passing a law that governs every civil case and every criminal case in the Federal system and every parent and every child no matter what their age.

Madam Chairman, I yield to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Madam Chairman, I thank the gentleman from Massachusetts for yielding.

I think the point made about hearings is not a balanced one and it is one I have made from time to time on this floor about other bills. We have offered it up as an amendment to this bill because it is germane and because I am reasonably confident that my bill will not be heard.

Mr. FRANK of Massachusetts. Madam Chairman, let me say this. I think the gentlewoman has made something of an assumption that is not fair to the gentleman from North Carolina. I do not see why she would assume that we could not have a hearing on this issue. I would be surprised if the gentleman from North Carolina said at an appropriate time he will not do this.

I will note that, on a bill that has been a bill for less than a month, it certainly would not be fair to criticize, and the gentlewoman was not criticizing. We have only been back in session for about a week and a half. But I think this is something we should be considering. But taking it up on the floor now, when nobody knows much about it, without any of these questions, on a blanket basis, seems to me a very poor way to legislate.

I also want to add again, I disagree at this point. I do not understand why a 40-year-old who may have murdered someone should be shielded from his or her 60-year-old parent testifying. I do not understand that. It is a very different situation if we are talking about a 14-year-old. But having one blanket to cover all of these situations seems to me to be a mistake.

Ms. LOFGREN. Madam Chairman, if the gentleman would yield further, that is a substantive disagreement; and that is fair enough.

I would like to point out, however, in defense of the proposal, even though I understand his valid and thoughtful objection, but the better view in terms of the cases as to criminal activity in the area of spousal privilege is that the privilege does not apply to furtherance of this.

Mr. FRANK of Massachusetts. Madam Chairman, I thank the gentlewoman. As she knows, the better view means, for the nonlawyers, understand my colleague is talking lawyer now, not English. That is not her fault. That is the language.

The CHAIRMAN pro tempore (Mrs. EMERSON). The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 2 additional minutes.)

Mr. FRANK of Massachusetts. Madam Chairman, the better view means more people hold that view than hold the other view. It means more courts have gone one way more than the other. But it also means some courts have gone the other way. So the gentlewoman is agreeing that, under the law to which she would refer us, this is an unsettled question and some judges go one way and some another.

Well, I think if we are going to deal with this kind of privilege, we ought to decide whether we want it to cover murder cases. And, again, what the gentlewoman has here is a blanket provision that applies equally as between adults who may have conspired together to murder and minor children. And we all think about children. We all think about protecting young children. That is a very valid thing to do.

□ 1430

It seems to me Massachusetts has a good idea by talking differently about

minor children. That is not what the gentlewoman's amendment does. To rush into this now and to lock it in would be an emotional response to an understandable provocation, but it would be, I think, an inappropriate way to legislate.

I would say, as the senior minority member of the committee, this is the first time I have heard of this issue, today, yesterday, taking it back to the Committee on Rules. I would be glad to go and lobby my colleague from North Carolina and let us address this issue of privilege. There may be other privileges we want to look at. The question of lawyer/client privilege when the client has died might be a problem. I suppose lawyer/client privilege when the lawyer has died is less problematic, except for Shirley MacLaine.

But, in general, this whole question of privilege could be looked at, but not hastily in reaction to a very politicized situation involving the current Independent Counsel, without many Members knowing what they should about it or having a chance to explore it.

So I urge the Members to vote "no" on this, and let us deal with this very, very important issue in a more thoughtful context.

Mr. HYDE. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I want to join the gentleman from Massachusetts (Mr. FRANK) in his well thought out sentiments because I think he is exactly right. This is an important subject and it is one that deserves thoughtful consideration.

A trial is a search for truth; and when we start asserting privileges, we are putting obstacles to that search for truth. They may well be justifiable, but I think they do impede the quest for learning the facts about a given situation.

We have a spousal privilege. We have an attorney/client privilege. We have executive privilege. We have a Secret Service privilege. Now we are creating a parent and child privilege. The whole subject of privilege is, it seems to me, important and significant and complicated, and perhaps we should look at it in a more thoughtful way than we are doing here.

We missed the priest/penitent privilege. But what we are doing here, the gentlelady's amendment is creating for the first time a Federal privilege, because section 501 of the Federal Rules of Evidence says there are no Federal privileges. We follow the State law. Of course here we are creating for the first time a new privilege: A parent may not be compelled to testify against a child.

I will forgo the opportunity to broaden this discussion as some have by bringing in the name of the Independent Counsel now, but I think it is helpful in this context to note that President Clinton's lawyers deposed Paula Jones' mother, Delmer Lee Corbin, and her sister, Lydia Cathey, in October of 1997. There was no hue and cry about protecting the mother from compulsory testimony.

I think it is worth noting that Colonel North, Oliver North, back in the halcyon days of Iran Contra, his wife was called to testify before the grand jury. Colonel North's lead attorney, Brendan Sullivan, was subpoenaed to appear before the grand jury. Colonel North's wife's sister was interrogated about how much it cost to feed their daughter's horse. The Norths' baby-sitter and a teenager who mowed the Norths' lawn were questioned about how much they were paid. Oh, and Colonel North's minister was asked how much the North family contributed on Sunday.

So we have had these things before. Fortunately, the gentlewoman has become sensitized to the problem somewhat late in this century, but that is all right. But I would suggest that this is inappropriate, and I hope the gentlelady's amendment is defeated.

I hope, and I pledge, as the gentleman from Massachusetts (Mr. FRANK) suggests, that we look at this whole subject across the board on privilege, but try to take it out of the fever swamps of our current political situation.

Ms. LOFGREN. Madam Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentlewoman from California.

Ms. LOFGREN. Madam Chairman, I just would like to note that I think in 1973, in the 93rd Congress, that the reference, at least the notes from the Committee on the Judiciary note several privileges that were recognized and then followed into rule 501 for future delineation.

I understand that the gentleman's objections are well-stated and sincere, and everyone has respect for his judgment. I would just like to note that I am in my second term. I was not here during Iran Contra to object or to introduce bills about that. I think it is terrible if Mr. North's minister was called by the grand jury.

As to the calling of the mother of the individual referenced, I think that is objectionable as well. I did not know about it until after I introduced this bill.

Mr. HYDE. Madam Chairman, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, although the arguments on the floor opposing the gentlelady's amendment may prove to be somewhat convincing, I would like to take those arguments and turn them around in support of the gentlelady's amendment, and to acknowledge the gentleman from Illinois (Mr. HYDE), the chairman, in recognizing that this is in fact a bipartisan amendment or one that should garner bipartisan support.

The fact that Oliver North's relatives were called, the fact that the President's lawyers deposed the mother of Ms. Jones, does not make it any more right. The issue of parent/child immunity should certainly fall and be given enough or sufficient or equal deference as the patient/doctor privilege, the psychiatrist/patient privilege, the priest's privilege with his religious constituent, and certainly the spousal privilege.

What the gentlewoman is saying, I believe, is that the common law has not responded to the crisis. Putting aside the immediacy of the national attention to the recent set of circumstances, I would argue as an aside that the hauling down, in front of massive media, the horrible evidence of the stress on that particular parent certainly encourages this kind of proposal. It does not take away from it. But it certainly answers a response to any set of circumstances that involves a parent/child, although the gentlewoman's proposal and the proposal of the gentleman from New York (Mr. NADLER) does give an exception if there is criminal fraud or conspiracy. So, therefore, if a parent and child were conspiring to do wrong, there is an exception.

Just a few weeks ago we saw a daring attempt for a mother to help her child escape from jail. I do not think there is any need to worry about whether there is parent/child immunity. The bare facts, the visuals will allow us to convince, I am sure, at some point, though there will be a trial, a jury that something was done wrong, without either the child or the parent being required to testify against each other. There are others who may provide the evidence that would be able to point to the criminal and/or the civil act of wrong.

So I do think that if we talk about all of our expressions of the sanctity of the parent, the child, our brief in the best interest of a child, the relationships of family, I believe that this amendment is one that carries with it the weight of what is right, the moral weight of what is right.

I welcome the opportunity for further hearings.

Ms. LOFGREN. Madam Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentlewoman from California.

Ms. LOFGREN. Madam Chairman, as someone who is steeped in the law and a former judge, I am sure the gentlewoman is aware of the so-called trilemma that lends doubt to the veracity of testimony compelled by a parent against a child. If the parent faces this dilemma, she can either fudge the truth, she can betray her child's confidences, or she can go to

jail. Under those three choices, many prosecutors and many judges have grave doubt about the veracity of testimony, because some parents choose to fudge the truth, the first option.

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank the gentlewoman for that clarification. She is so very right, that in the course of the setting of a trial and a trial atmosphere, it is often doubtful as to whether that parent is totally truthful on the facts. And so I think that the question of whether or not we are moving too quickly on a parent/child immunity, I would hope that we would recognize that we would not do great or enormous injustice or deny justice by providing that privilege.

Mr. FRANK of Massachusetts. Madam Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Madam Chairman, let me give another example. Two people for whom I have an enormous amount of respect are two people who may be considered to have betrayed the family tie, but they are the Kaczynskis, Ted Kaczynski's brother and mother. They were not compelled, but they came forward. But that is an example. They came forward. Since they came forward, I think lives were saved, innocent lives were saved because they took this dangerous murderer off the streets.

If, in fact, the prosecutor became aware that Mrs. Kaczynski had information that could have led, as it in fact did, to the apprehension of her son, I do not see why we would want to give absolute privilege for a man in his 50s and his mother so that she could not be compelled to testify. In her case it was voluntary, but we could have seen a situation where that compulsory testimony could have been useful.

Yes, where we are talking about a small child, maybe a teenager, it is a very appealing situation. Maybe we ought to tailor a privilege for that. But where we are talking about Ted Kaczynski's mother and Ted Kaczynski, I do not think it is at all immediately obvious that we ought to, on this floor today, to vote to give somebody like that preference.

The CHAIRMAN. The time of the gentlewoman from Texas (Ms. JACKSON-LEE) has expired.

(By unanimous consent, Ms. JACKSON-LEE of Texas was allowed to proceed for 2 additional minutes.)

Ms. JACKSON-LEE of Texas. Madam Chairman, the gentleman is extremely convincing when we are talking about something that is heinous as that of those acts. I think, however, we need to ask the question as to whether or not, and a voice rises up, as to whether or not we know the status of the investigation and whether or not those investigating this heinous crime of the Unabomber would have, even without, would have been able to determine the fact that he was the person and brought him to justice.

I think more often than not we find circumstances where the parent/child relationship really rises above these questions of these very unique heinous crimes. I would simply say that the parent/child relationship, covering over 200 million Americans, we can find more cases than not when we should protect that relationship as opposed to suggest we would be, if you will, tampering or hindering the rights of justice if we did not allow the parent/child immunity. I simply see a range of places where that is important.

I chair the Congressional Children's Caucus. I think that when we talk about promoting children as a national agenda, when we talk about allowing these relationships, I look to it as the bulk of children, if you will, and realize that in cases where we are talking about an adult, I think there are exceptions to inhibit any disallowance of justice.

Ms. LOFGREN. Madam Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentlewoman from California.

Ms. LOFGREN. Madam Chairman, I would just note that all of the modern cases that I have been able to find in the spousal immunity area that would be the guide in the parental/child immunity cases do make exceptions for criminal activity.

I would note also that in the case cited by our colleague, the Kaczynskis, I would join in his admiration of the Kaczynski family that came forward under very trying circumstances and did the right thing and did save lives, and they did it voluntarily. I believe, had they relevant evidence, clearly that since they came forward with the evidence, they would have testified.

The CHAIRMAN. The time of the gentlewoman from Texas (Ms. JACKSON-LEE) has again expired.

(On request of Mr. FRANK of Massachusetts, and by unanimous consent, Ms. JACKSON-LEE of Texas was allowed to proceed for 1 additional minute.)

Mr. FRANK of Massachusetts. Madam Chairman, will the gentlewoman yield to me?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Madam Chairman, my colleague said that there is an exception for criminal, but let me read what might be more relevant here, the title of her amendment as she wrote it: Parent/Child Testimonial Privileges in Federal Civil and Criminal Proceedings. If the gentlewoman in fact intends to exempt criminal, putting "criminal" in the title is not the most artful drafting I have ever seen.

Ms. JACKSON-LEE of Texas. Madam Chairman, let me close by simply saying that I really do believe that we have made a very strong argument as to the sanctity of the parent/child relationship. I would commend, as well, the family of the Unabomber, and would say that that is something that probably occurs more regularly than not where parents and relatives come forward because they believe in justice.

□ 1445

In the instance, however, where there is a relationship, parent-child, I cannot imagine that we would diminish parent-child any lower than the priest, the psychiatrist, the physician, the lawyer and anyone else that has now benefited from privilege. And as well let me say that in the criminal sense I do believe that justice will not be denied if we provide this single privilege.

Madam Chairman, I would ask support of this amendment.

The CHAIRMAN pro tempore (Mrs. EMERSON). The question is on the amendment offered by the gentlewoman from California (Ms. LOFGREN).

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

Ms. LOFGREN. Madam Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 408, further proceedings on the amendment offered by the gentlewoman from California (Ms. LOFGREN) will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. DELAY

Mr. DELAY. Madam Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. DELAY:

Add the following at the end:

SEC. 12 LIMITATION ON PRISONER RELEASE ORDERS.

(a) IN GENERAL.—Chapter 99 of title 28, United States Code, is amended by adding at the end the following new section:

§ 1632. Limitation on prisoner release orders

"(a) LIMITATION.—Notwithstanding section 3626(a)(3) of title 18 or any other provision of law, in a civil action with respect to prison conditions, no court of the United States or other court listed in section 610 shall have jurisdiction to enter or carry out any prisoner release order that would result in the release from or nonadmission to a prison, on the basis of prison conditions, of any person subject to incarceration, detention, or admission to a facility because of a conviction of a felony under the laws of the relevant jurisdiction, or a violation of the terms or conditions of parole, probation, pretrial release, or a diversionary program, relating to the commission of a felony under the laws of the relevant jurisdiction.

"(b) DEFINITIONS.—As used in this section—

"(1) the terms 'civil action with respect to prison conditions,' 'prisoner,' 'prisoner release order,' and 'prison' have the meanings given those terms in section 3626(g) of title 18; and

"(2) the term 'prison conditions' means conditions of confinement or the effects of actions by government officials on the lives of persons confined in prison.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 99 of title 28, United States Code, is amended by adding at the end the following new item:

"1632. Limitation on prisoner release orders.".

(c) CONSENT DECREES.—

(1) TERMINATION OF EXISTING CONSENT DECREES.—Any consent decree that was entered into before the date of the enactment of the Prison Litigation Reform Act of 1995, that is in effect on the day before the date of the enactment of this Act, and that provides for remedies relating to prison conditions shall cease to be effective on the date of the enactment of this Act.

(2) DEFINTIONS.—As used in this subsection—

(A) the term "consent decree" has the meaning given that term in section 3626(g) of title 18, United States Code; and

(B) the term "prison conditions" has the meaning given that term in section 1632(c) of title 28, United States Code, as added by subsection (a) of this section.

Mr. DELAY. Madam Chairman, I just wanted to say that this is a wonderful debate that we are having. It is great to be part of an institution that is actually trying to regain some of its authority and responsibility that the Founding Fathers envisioned in the Constitution of the United States, and I am offering an amendment with the gentleman from Pennsylvania (Mr. MURTHA) that is, I think, pretty simple. It ends forever the early release of violent felons and convicted drug dealers by judges who care more about the ACLU's prisoners' rights wish list than about the Constitution and the safety of our towns and communities and our fellow citizens.

Under the threat of Federal courts, States are being forced to prematurely release convicts because of what activist judges call prison overcrowding. In Philadelphia, for instance, Federal Judge Norma Shapiro has used complaints filed by individual inmates, criminals, convicted criminals, to gain control over the prison system and establish a cap on the number of prisoners.

Federal Judge Shapiro put a cap on the number of prisoners in Pennsylvania. To meet that cap she ordered the release of 500 prisoners a week, 500 prisoners a week. In a 18-month period alone, 9,732 arrestees were out on the streets of Philadelphia on pretrial release because of her prison cap. They were arrested on second charges, including 79 murders, 90 rapes, 701 burglaries, 959 robberies, 1,113 assaults, 2,215 drug offenses and 2,748 thefts.

How does Judge Shapiro sleep at night? Each one of these crimes was committed against a person with a family, dreaming of a safe and peaceful future, a future that was snuffed out by a judge who has a perverted view of the Constitution.

Of course Judge Shapiro is not alone. We are seeing this all over the United States. There are many other examples. In Texas, my home State, a case that dates back all the way back to 1972, Federal Judge William Wayne Justice took control of the Texas prison system and dictated changes in basic inmate disciplinary practices that wrested administrative authority from staff and resulted in rampant violence behind bars.

And under the threats of Judge Justice, under the threats of Judge Justice, Texas was forced to adopt what is known as the "nutty release law" that mandates good time credit for prisoners. Murderers and drug dealers who should be behind bars are walking the streets of our Texas neighborhoods as I speak, thanks to Judge Justice.

Wesley Wayne Miller was convicted in 1982 of a brutal murder. He served only 9 years of a 25-year sentence for butchering an 18-year-old Fort Worth girl. Now, after another crime spree, he was rearrested. Huey Moe was sentenced to 15 years for molesting a teenaged girl. He is eligible for parole this September after serving only 2 years in prison. Kenneth McDuff was on death row for murder when his sentence was commuted. He ended up murdering somebody else.

In addition to the cost to society of Judge Justice's activism, Texas is reeling from the financial impact of Judge Justice's sweeping order. I remember back when I was in the State legislature, 1979, the State of Texas spent about $8 per day per prisoner to keep these prisoners. By 1994, with the full force of Judge Justice's edict being felt in the State of Texas, the State is spending more than $40 every day for each prisoner. That is a fivefold increase over a period when the State's prison system barely doubled. All of that money comes out of our families' pocket.

The truth is, no matter how Congress and State legislatures try to get tough on crime, we will not be effective until we deal with judicial activism.

The CHAIRMAN pro tempore. The time of the gentleman from Texas (Mr. DELAY) has expired.

(By unanimous consent, Mr. DELAY was allowed to proceed for 5 additional minutes.)

Mr. DELAY. Mr. Chairman, the courts have undone almost every major anticrime initiative passed by the legislative branch. In the 1980's, as many States passed mandatory minimum sentencing laws that the American people wanted to see happen around the country to keep these criminals in jail, judges checkmated the public by imposing prison caps on the amount of population that we can hold in prisons. When this Congress mandated the end of consent decrees regarding prison overcrowding in 1995, some courts just ignored our mandate.

There is an activist judge behind each of most of the perverse failures of today's justice system, violent offenders serving barely 40 percent of their sentences. Three and a half million, 3½ million criminals, most of them repeat offenders, are on the streets today and are on probation or parole. Thirty-five percent of all persons arrested for violent crime were on probation, parole or pretrial release at the time of their arrest.

Well, the Constitution of the United States gives us the power to take back our streets. Article III allows the Congress of the United States to set jurisdictional restraints on the courts, and my amendment will set such restraints.

I presume we will hear the cries of court stripping by the opponents of my amendment. These cries, however, will come from the same people who voted to limit the jurisdiction of Federal courts in the 1990 civil rights bill.

Now let us not forget the pleas of our current Chief Justice of the United States, William Rehnquist. In his 1997 year-end report on the Federal judiciary he said, "I therefore call upon Congress to consider legislative proposals that will reduce the jurisdiction of the Federal courts." We should heed Justice Rehnquist's call right here, right now.

The voters will be watching this vote. A vote against this amendment is a vote to put prisoners, convicts, drug dealers and rapists on the streets of my colleagues' congressional districts. Judicial activism threatens the very safety of our children and our constituents, if in the name of justice murderers and rapists are allowed to prowl on our streets before they serve their time. It is time to return some sanity to our justice system and keep violent offenders in jail, and I ask my colleagues to support my amendment.

Mr. FRANK of Massachusetts. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I listened to the gentleman from Texas describe an amendment that I would be prepared to vote for but I do not see it before me. The gentleman talked about murderers and rapists walking the streets of our districts, and I do not want that to happen. And if it was an amendment that was limited as the gentleman said, I suspect it would get virtually no opposition here, but the amendment is far broader. It is not limited to murderers and rapists, it is not even limited to people who committed violent crimes. It applies to anybody convicted under any felony.

Now there are some nonviolent felonies. There are also situations where prison conditions have been outrageous. The gentleman said we should not release murderers because of overcrowding. I agree. But what about people who might have violated a securities law or people who might have been guilty of nonsupport, if that were a felony, or some other nonviolent felony which we have, insurance fraud. I do

not like people committing insurance fraud, but they are not all murderers and rapists. Most of them are probably not. It is probably kind of a distinction in the criminal class.

And it also is not just overcrowding. It says prison conditions means conditions of confinement are the effect of actions by government officials on the lives of persons confined in prison. If in fact there are situations where particular prison officials have behaved in a outrageous fashion abusive of people's rights, may even have put these people in danger, and we are talking about nonviolent felons, I am not prepared to say that no judge ever ought to let them out.

Now, as I said, if the gentleman had offered the amendment he described, I would not be up on my feet talking about it and I would not expect anyone else to be. If we were talking about violent criminals, particularly murderers and rapists, but muggers and others who were being released surely for overcrowding, I would agree with him.

We have an amendment that goes far broader. It does not just deal with overcrowding. It would immunize prison officials, as it is written, even by actions they took that were violative of people's rights and even for nonviolent criminals. It also is completely retroactive. It says any order now in effect is ended, and I think that would be a very unwise idea.

Mr. DELAY. Madam Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Texas.

Mr. DELAY. Madam Chairman, I appreciate the gentleman yielding. He must be reading a different amendment than I put in. This amendment does not affect any court action brought against prison officials that might violate the criminals' rights or even prison conditions. There are other kinds of remedies that can come into play here.

What we are just saying is do not turn felons out, and surely the gentleman is not for turning felons out, including nonviolent felons like drug dealers, out on the street just because prison conditions may be overcrowded and they could put prisoners in tents.

Mr. FRANK of Massachusetts. No, because the gentleman is wrong in the description of his amendment. In the first place, there are nonviolent felons other than drug dealers. There are people who committed insurance fraud; there are people who cheated on their taxes, their State taxes. I do not say that under no circumstances should they be released because I think they are not the kind of danger that we are talking about to the community in the near term. The gentleman talked about murderers and rapists, but it includes nonviolent felons.

Mr. DELAY. I totally agree with the gentleman.

Mr. FRANK of Massachusetts. And I am glad the gentleman from Texas does, and therefore there is no reason to interrupt me. Let me just say to my friend he should only interrupt me when he disagrees with me. He need not interrupt me when he agrees with me. He should just nod his head and we will all notice that.

But I appreciate the agreement. So we are now in agreement that we are talking about nonviolent felons, and they said including people who may have been convicted of tax fraud or insurance fraud.

Secondly, though, this does say no release could be a remedy because of conditions of confinement or. Now the gentleman says it is only overcrowding, but the word "or" apparently means something different to me than it does to the gentleman. "Or" generally means there is something else that is involved. It says these insurance fraud perpetrators cannot be released either because of conditions of confinement or because of the effects of actions by government officials on the lives of persons confined in prison.

□ 1500

In other words, if prison officials are grossly violating people's rights, and even people who have committed fraud have rights, as we all agree, even if it is not overcrowded, but if it deals with violations of their rights by conscious acts, one of the remedies cannot be to release people.

The CHAIRMAN pro tempore (Mr. ROGERS). The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 1 additional minute.)

Mr. FRANK of Massachusetts. Mr. Chairman, I do not think where we are talking about conscious misbehavior that violates the rights of nonviolent criminals. What we are talking about is saying if you have prison officials who are consciously abusing the rights of nonviolent felons, people who have committed fraud, it has nothing to do with overcrowding or violence, under no circumstances should a judge be able to say the remedy is, if you don't stop abusing these people, we are going to make you let them loose. I don't think under all circumstances we ought to say no to that.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, I agree with the gentleman, but disagree with his interpretation. I have the advantage of not having gone to law school. The advantage is such that nothing stops the inmates' rights to bring action against prison officials. All we are saying here is do not turn these felons out on the street.

The CHAIRMAN pro tempore. The time of the gentleman from Massachusetts (Mr. FRANK) has again expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 1 additional minute.)

Mr. FRANK of Massachusetts. Mr. Chairman, I think the issue is not that my friend didn't go to law school, the question is in what language did he not go to law school, because I am talking about English here; not law. What I am talking about is the phrase that says you cannot release nonviolent felons because of the effects of actions by government officials on the lives of persons confined in prison.

In other words, nothing to do with overcrowding, but conscious abuse of people's rights. I do think in some cases where you have got that pattern of abuse, ordering the release of nonviolent felons might be something they may want to consider.

For that reason, while I would have voted the amendment the gentleman described, I cannot vote for the gentleman's amendment as offered.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I happen to disagree with our previous speaker. The DeLay amendment really corrects a problem that I have spent most of my political career trying to fix.

When I was in the Texas statehouse, I spent a lot of time speaking out against the antics of a judge named William Wayne Justice, a Federal judge who in 1980, single-handedly took control of and weakened the Texas prison system, which I think is a little bit out of line as far as our States rights policies are concerned.

Judge Justice felt our State prisoners were cramped and "unhappy with their living conditions," so he forced Texas to turn jails into country clubs so that dangerous criminals could be more comfortable. He even ordered Texas to provide these criminals with color television. He ordered that 11 percent of Texas prison beds be empty at all times, and mandated that cells built for two prisoners only hold one, and that cells built for four prisoners only hold two.

Consequently, we have got over 5,000 empty beds in the Texas prison system because of a Federal judge's ruling, and that caused overcrowding and it caused extra expense. These mandates have done nothing but set criminals free, increase overcrowding, and waste billions of taxpayer dollars.

I want everyone to understand it is our Texas lawmakers that were forced to release hardened criminals on the order of a Federal judge. This means that criminals have been released back on to the Texas streets, all because a Federal judge was more concerned about the comfort of criminals than about the safety of law-abiding citizens.

This amendment will do what the Texas legislature tried to do and could

not; stop Federal judges like William Wayne Justice from pushing their agenda at the expense of public safety. This language states in no uncertain terms that Federal judges cannot mandate early release of violent criminals. It also nullifies current consent decrees like the one inflicted on Texas by Judge Justice.

This is common sense legislation. It is long overdue. The people of Texas have waited 20 years for relief from this Federal judge. Let us not make them wait any longer. I think it is long overdue.

Mr. Chairman, I urge my colleagues to support this amendment, because it is going to make America a lot safer by keeping your violent criminals behind bars.

Mr. MANZULLO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, what the House is doing today, the House of Representatives, the People's House, is so unique in history, and it is truly remarkable, because what we are doing today is we are showing that when the Constitution was drafted in 1787, that the men who met in Philadelphia in that year envisioned a system of the separation of powers, and they built into the Constitution a mechanism whereby one branch of government could reclaim the authority that had been usurped by another branch of government, and that is the genius of the Constitution.

We can go back to the Declaration of Independence when Jefferson was asked by Benjamin Franklin, also in Philadelphia, to draft that document and to set forth the reasons for the establishment of this republic. One of the reasons that Jefferson put in the Declaration of Independence is that King George III had obstructed the administration of justice by refusing assent to laws for establishing judiciary powers. In other words, it would be up to the individual colonies, and thus a central government in a new country, to establish and define exactly what those judicial powers are.

So in the Constitution, under Article III, Section 1, Congress was given the express power to ordain and establish inferior Federal courts, which includes the power of vesting them with jurisdiction, either limited, concurrent, or exclusive.

In fact, in a 1943 case, it has been, perhaps, we do not know how many decades, we have arguments here where Congress is trying to get back from judiciary powers that judiciary has taken, and in the case of Lockerty versus Phillips, the court said that Congress has the power to withhold jurisdiction from courts in the exact degrees and character which to Congress may seem proper for the public good.

That is what is exciting about the legislation of the gentleman from Texas (Mr. DELAY). It takes a look at Congress, the elected branch, the representative branch of government, and says we are overseeing the court system to bring about a change when something has happened in the court system that violates the public good.

The public good to which the gentleman from Texas (Mr. DELAY) addresses himself is the fact that courts have overstepped their boundaries by releasing dangerous felons, who go out to kill, and to maim, and to peddle drugs to our little children, who ingest these drugs, and the little innocent ones, my children and children of all Americans, thus become susceptible to more people who the law enforcement people have in good faith put away, but which a Federal judge says they should be out.

So we are here today because the Constitution compels us to do so. It would do no good for me to reiterate the various travesties that have taken place in America because of what the Federal courts have done. But let us look upon this day in this Congress as being a responsible Congress and telling the American people that the courts have gone too far, and that Congress is exercising the jurisdiction and the authority envisioned by the founders of this republic in saying we are going to correct what is wrong with the court system.

Mr. FOLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me strongly support the efforts of the majority whip, the gentleman from Texas (Mr. DELAY), because this amendment goes right to the heart of a horrible situation we in Florida have faced.

In 1993, the Florida Department of Corrections reported that between January 1, 1987, and October 10, 1991, some 127,486 prisoners were released early from Florida prisons. Within a few years of their early release, they committed over 15,000 violent and property crimes, including 346 murders and 185 sex offenses.

Florida tried to stop the early release program last year, the "gain time" provision, which was created because of prison overcrowding. But, whoa, the judges said, the courts would not allow them to change it.

The courts suggested that since it was given in advance to create or vacate prison space, that it was now part of their sentence. It did not say when they were sentenced that they were entitled to it, but because it was a mechanism, a management tool created by the legislature, that it had to apply to every person in prison, no matter what crime they committed, whether it was bounced checks, murder or rape.

Now, who is paying for this type of thinking? Who pays for this type of thinking in our society? Let me give you a few examples.

One is a 21-year-old convicted burglar who got out of prison last October on early release. A month later he was charged with kidnapping and murdering a 78-year-old woman in Avon Park near my district. He abducted her from her home, forced her into the trunk of her car, and killed her in an orange grove about 20 miles away.

Then, there is the 30-year-old man jailed in 1989 on grand theft and armed burglary charges, who was released early in 1992 because of prison crowding. Four years later he was charged with murdering the owner of a convenience store in West Palm Beach, Florida, part of which I represent.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Our guests in the gallery will be advised they are guests of the House, but must not express approval or disapproval to interfere with the activities of the House.

Mr. FOLEY. Mr. Chairman, last month a 30-year-old drifter, jailed in 1986 for kidnapping and brutally beating a British tourist in Hollywood, Florida, but released early in 1986, was charged with first degree murder of a teenager after her partially mutilated corpse was found in his bathtub in Miami Beach.

In 1991, in St. Lucie County, which I represent, a Fort Pierce police officer, Danny Parrish, was murdered by an ex-convict who had been released after serving less than a third of his prison term for auto burglary. Officer Parrish stopped him for driving the wrong way on a one-way street. The ex-convict, who admitted later he did not want to go back to prison for violating probation, disarmed Officer Parrish and killed him with his own gun.

Now, when are we in America going to wake up and recognize the rights of victims? I have heard constantly about judges stepping in and allowing prisoners to smoke in prison, prisoners being allowed video machines so they can watch TV, prisoners being given weight rooms so they can exercise and feel comfortable and good about themselves. And the same judges then say because it is a little crowded, we should let these people out early.

So then ultimately, after serving only a third of the time they have been sentenced to, they maim, murder, kill our families and our children, and society pays greatly for these acts. Society pays more for the violence on our street because of early release than we could ever pay for the proper construction of prison facilities.

So I urge my colleagues to look very seriously at this amendment. It is not defeating the judges' power; it is not usurping judicial power. It is asserting, first and foremost, that victims and their families should be given their rights first, not the criminal; that when you are sentenced to prison, it should mean something. When you are given 10 years, it should be 10 years, not 2 years.

When our young people look at the fact that people are being sentenced for 10 years, they should know it is serious. But when you commit a murder and are let out after 3 years of a 10-year sentence; when you are convicted of a crime, and told "don't worry about it, it is only a year;" in a recent case where a young girl killed her child, I understand she may get 2½ years in prison. What a punishment.

What does it say to society, the value we place on life. What does it say about the law of the land? What does it say to the law-abiding citizen? You can go ahead and get away with it, because a judge is going to be worried about your comfort in prison; that he will let you out on the street to maim, murder and kill once again?

□ 1515

I know judges do not do this because they do not care about our communities, but Congress has to step into the debate, protect the communities we represent, all 435 of them, and do our best to suggest that if a prisoner commits a crime, if a person victimizes another human being, if a person violates a human being, if a person murders someone else, that that person should fulfill the full terms of the sentence meted out by the courts, should not be granted special benefits, should not be given game time, and should be treated like the criminals that they are.

I urge the support of the fine amendment of the gentleman from Texas (Mr. DELAY).

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. The Chair will remind 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.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is a very, very difficult issue to debate, because when one postulates the rights of citizens, innocent citizens, against folks who have been sentenced to prison who are released, whether they are released for misdemeanors or felonies or whatever reason, because of prison overcrowding and conditions in prisons, it always seems like you are taking sides with the prisoners, as opposed to taking sides with the innocent people in the street.

The gentleman from Florida (Mr. FOLEY) obviously makes a very, very powerful argument. But an amendment which basically says we are going to go back retroactively and undo existing consent orders that have been entered into, that retroactively says we are going to undo orders that courts have entered in these cases, or even an amendment which, looking forward, says that even though the Constitution might, and we as a body of people in our country believe that nobody, no individual, ought to be put into conditions where they are subjected to rape or disease or whatever by overcrowding or failure of supervision, we cannot enforce that order to protect those people, is an amendment which, in my opinion, goes too far.

That is what this amendment does. It undoes prior consent orders. It undermines prior orders, whether they are consent orders or not. Also, it effectively says that where there is a constitutional violation there really is no remedy for that violation, because we are not going to provide a constructive remedy for somebody who is put in inhumane, overcrowded conditions.

So while I clearly am uncomfortable, and if anybody believes that I am siding with prisoners over victims in the street, I am uncomfortable being in that position, but I think this amendment goes too far.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, I appreciate the gentleman yielding. I understand the struggle that the gentleman is going through. I appreciate that.

I just want to remind the gentleman that in 1995 we passed a law, signed by this President, dictating to these judges that they should vacate these consent decrees if they have no further constitutional grounds, and these judges have found loopholes by which they can continue.

Mr. WATT of North Carolina. Let me stop the gentleman in the middle of his sentence, because that is a big "if," if there are no further constitutional grounds. The ones that I am talking about are where there is a constitutional ground. And what this amendment does is say you cannot have a remedy where there is a constitutional basis for the order. So to just kind of gloss over that big "if" in the gentleman's sentence is a serious matter.

The CHAIRMAN pro tempore. The time of the gentleman from North Carolina (Mr. WATT) has expired.

(On request of Mr. DELAY, and by unanimous consent, Mr. WATT of North Carolina was allowed to proceed for 1 additional minute.)

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, first of all, I am not, in my amendment, stopping any other remedies, any other constitutional remedies or the rights of inmates that are being mistreated, overcrowded, or any other prison condition. That is not my amendment.

My amendment basically is saying to judges, stop finding loopholes to continue your consent decrees, and we are going to eliminate the "if" part about early release of prisoners. We are not going to put these criminals back on the streets. They can have all the other remedies.

Mr. WATT of North Carolina. Mr. Chairman, if in fact the amendment was nearly as gentle and kind as the gentleman has portrayed it, I think I could get there with him, but that is not what the language of this amendment says. It says, we are undoing prior consent orders, we are undoing prior orders, and we are making it impossible to address a constitutional violation because there is no remedy for it. It is that that I have serious concerns about.

Ms. GRANGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today on behalf of families, victims and law-abiding citizens everywhere to support the Judicial Reform Act of 1998, and particularly to support the amendment offered by my good friend, the gentleman from Texas (Mr. DELAY).

I do so because I believe there is a time in the life of every problem when it is large enough to see and yet small enough to solve. The problem of judicial activism is one which we can see and we can also solve, if only we have the commitment and the courage to make it right.

According to the Bureau of Judicial Statistics, every day this year 14 people will be murdered, 48 women raped, and 570 robbed by criminals who have already been caught, convicted, and returned to the streets on probation or early parole.

Mr. Chairman, this is more than a crisis, this is the crime. I believe the first order of our legal system is to protect the innocent, and one way we can do this is to punish the guilty. But we cannot protect the innocent or punish the guilty by putting criminals back on the streets. Yet that is exactly what some judges are doing.

Under the guise of legal apologetics, many judges are giving felons and drug dealers get-out-of-jail-free cards. For example, a U.S. district judge in Philadelphia imposed a prison cap that had the effect of freeing scores of felons and drug dealers who are waiting trial in the prisons. In fact, 600 prisoners a week were released for over 1 year.

What did they do when they got a new lease on life? They committed 79 murders, 959 robberies, 2,215 drug-related crimes, 90 rapes, and over 1,100 assaults. This type of judicial activism is crazy, and it is changing once we pass the DeLay amendment.

Mr. Chairman, the American people want criminals to serve the sentences they are given. They do not want some judge overruling the law, the prosecutors who got them the conviction, or the jurors who sentenced them.

Mr. Chairman, let us not confuse our wants with our needs. We all want to give everyone a second chance, but we absolutely need to ensure that crime does not pay. I urge my colleagues to support the DeLay amendment. It is simple, it is smart, and it is a solution.

Mr. MURTHA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I agreed to cosponsor this amendment with the gentleman from Texas (Mr. DELAY) because I felt it was so important for us to send a message to the court system and to our judicial system that, when a person is sentenced, that person should spend that appropriate time in prison.

Now, I realize there may be some deficiencies in this amendment. I realize if this goes to conference that maybe a few things ought to be changed. But I think one of the reasons that we do not have as much crime as we had a few years ago is because people are staying in jail longer. We put mandatory sentences in.

I worried about mandatory sentences, but the results are the crime rate has dropped dramatically for violent crime throughout the country, and I think it is important for all of us to think about the victims of the crime. One way to make sure that they are separated is to keep them in prison for the time.

They spend a lot of time in thinking about how long the sentences ought to be. If we put them out, drug dealers, a person that commits a violent crime, out on the street prematurely, there is no question in my mind the crime rate will start to go back up again.

So I would urge Members to support this amendment and to vote overwhelmingly to send a message that we do not want people, just because of a technicality, overcrowding, to be out in the street before their time that they have spent in prison.

Mr. DOOLITTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I strongly support the DeLay amendment. I think it is a great amendment, and I hope that it survives unscathed through both Houses of the Congress.

This deals with the most fundamental obligation of government, the reason we pay all of the huge amount of taxes that we are having to pay these days. That is, it is the job of government to restrain men from injuring one another, to quote Thomas Jefferson.

It is just unconscionable that these liberal judges, unelected by the people but in office for life, have taken it upon themselves, in some cases, to inflict this kind of injury upon a community. Think of the thousands and thousands of lives that have been ruined, in many cases, or severely impacted in others, by the types of crimes that have been committed.

We did a study in our State legislature years ago, and it was a pretty established fact, as a result of the study, that two-thirds of the forcible-sex felonies are committed by repeat offenders, so that by dealing with this population and incarcerating them for long periods of time, we would dramatically reduce this type of crime. Indeed, that has been the case.

In California and other States where they have had mandatory sentences and where they have long terms, we have spent an awful lot of resources in California locking people up, and we have overcrowded those prisons as much as we could, and I am glad that we have, because it has made our streets safer.

We have now about 130,000 people incarcerated in the State of California alone. Look at our crime rates. They have been dropping dramatically. So taking off the streets this kind of offender was exactly the right thing to do.

Yet to have some isolated, arrogant, liberal, unelected district court judge turning these people loose because of some benighted belief in upholding some prisoner's constitutional rights is totally wrong.

Occasionally, there will be a conflict between the constitutional right of the prisoner and between the right of the public not to have dangerous criminals out in the street. The amendment of the gentleman from Texas (Mr. DELAY) simply says, Judge, do not make your remedy letting them go. You have other remedies. One of them is not to say, let these dangerous people back out on the street.

The public overwhelmingly supports the policy reflected in the DeLay amendment. It is long overdue. I strongly urge its adoption.

Mr. PACKARD. Mr. Chairman, I would like to voice my support for Congressman TOM DELAY's amendment to the Judicial Reform Act, which we will be voting upon shortly. Mr. DELAY's amendment addresses an issue of growing concern—the early release of convicted criminals due to overcrowding in prisons.

By this time we are all well aware of repercussions related to judicial activism. Mr. DELAY's amendment plays an important role in curbing this practice by targeting federal judges who order the release of persons convicted of violent or drug related crimes because of prison conditions. Uncomfortable prison conditions are no excuse for turning dangerous criminals out onto our streets.

Mr. Chairman, I hope that my colleagues will join me in voting in favor of the Judicial Reform Act and the DeLay Amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. DELAY).

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

RECORDED VOTE

Mr. DELAY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to House Resolution 408, the minimum time for electronic voting on the Lofgren amendment, if ordered, without intervening business, will be 5 minutes.

The vote was taken by electronic device, and there were—ayes 367, noes 52, not voting 13, as follows:

[Roll No. 105]

AYES—367

Abercrombie	Danner	Hoekstra
Ackerman	Davis (FL)	Holden
Aderholt	Davis (VA)	Hooley
Allen	Deal	Horn
Andrews	DeFazio	Hostettler
Archer	DeLauro	Houghton
Armey	DeLay	Hoyer
Bachus	Deutsch	Hulshof
Baesler	Diaz-Balart	Hunter
Baker	Dickey	Hutchinson
Baldacci	Dicks	Hyde
Ballenger	Dingell	Inglis
Barcia	Doggett	Jefferson
Barr	Dooley	Jenkins
Barrett (NE)	Doolittle	John
Bartlett	Doyle	Johnson (CT)
Barton	Dreier	Johnson (WI)
Bass	Duncan	Johnson, E. B.
Becerra	Dunn	Johnson, Sam
Bentsen	Edwards	Jones
Bereuter	Ehlers	Kanjorski
Berman	Ehrlich	Kaptur
Berry	Emerson	Kasich
Bilbray	Engel	Kelly
Bilirakis	English	Kennelly
Bishop	Ensign	Kildee
Blagojevich	Eshoo	Kim
Bliley	Etheridge	Kind (WI)
Blumenauer	Everett	King (NY)
Blunt	Ewing	Kingston
Boehlert	Farr	Kleczka
Boehner	Fazio	Klink
Bonilla	Foley	Klug
Bono	Forbes	Knollenberg
Borski	Ford	Kolbe
Boswell	Fossella	Kucinich
Boucher	Fowler	LaFalce
Boyd	Fox	LaHood
Brady	Franks (NJ)	Lampson
Brown (FL)	Frelinghuysen	Lantos
Brown (OH)	Frost	Largent
Bryant	Gallegly	Latham
Bunning	Ganske	LaTourette
Burr	Gejdenson	Lazio
Burton	Gekas	Leach
Buyer	Gephardt	Levin
Callahan	Gibbons	Lewis (CA)
Calvert	Gilchrest	Lewis (KY)
Camp	Gillmor	Linder
Canady	Gilman	Lipinski
Cannon	Goode	Livingston
Capps	Goodlatte	LoBiondo
Cardin	Goodling	Lofgren
Castle	Gordon	Lowey
Chabot	Goss	Lucas
Chambliss	Graham	Luther
Chenoweth	Granger	Maloney (CT)
Christensen	Green	Maloney (NY)
Clayton	Greenwood	Manton
Clement	Gutierrez	Manzullo
Coble	Gutknecht	Markey
Coburn	Hall (OH)	Mascara
Collins	Hall (TX)	Matsui
Combest	Hamilton	McCarthy (MO)
Condit	Hansen	McCarthy (NY)
Cook	Harman	McCollum
Cooksey	Hastert	McCrery
Costello	Hastings (WA)	McDade
Cox	Hayworth	McGovern
Coyne	Hefley	McHale
Cramer	Hefner	McHugh
Crane	Herger	McInnis
Crapo	Hill	McIntosh
Cubin	Hilleary	McIntyre
Cummings	Hinojosa	McKeon
Cunningham	Hobson	McKinney

McNulty
Menendez
Metcalf
Mica
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Salmon
Sánchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Torres
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—52

Barrett (WI)
Bonior
Brown (CA)
Campbell
Carson
Clyburn
Conyers
Davis (IL)
DeGette
Delahunt
Evans
Fawell
Filner
Frank (MA)
Furse
Hilliard
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Lee
Lewis (GA)
Martinez
McDermott
Meehan
Meeks (NY)
Millender-McDonald
Miller (CA)
Oberstar
Olver
Owens
Payne
Pelosi
Rangel
Rush
Sabo
Sanders
Scott
Serrano
Skaggs
Stark
Stokes
Thompson
Tierney
Towns
Velázquez
Waters
Watt (NC)
Waxman
Yates

NOT VOTING—13

Bateman
Clay
Dixon
Fattah
Gonzalez
Hastings (FL)
Istook
Meek (FL)
Miller (FL)
Obey
Paxon
Spratt
Tanner

□ 1552

Messrs. BARRETT of Wisconsin, TOWNS, MILLER of California, SKAGGS, and TIERNEY changed their vote from "aye" to "no."

Messrs. RODRIGUEZ, JEFFERSON, SHAW, REYES, and FORD changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. LOFGREN

The CHAIRMAN pro tempore (Mr. ROGERS). The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. LOFGREN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 162, noes 256, not voting 14, as follows:

[Roll No. 106]

AYES—162

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Becerra
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Carson
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fazio
Filner
Ford
Fox
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Harman
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Klink
LaFalce
Lampson
Lantos
Leach
Lee
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McDade
McDermott
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sanford
Schumer
Serrano
Skelton
Slaughter
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson
Thurman
Torres
Traficant
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weller
Weygand
Woolsey
Wynn
Yates

NOES—256

Aderholt
Allen
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Dickey
Dicks
Dingell
Doggett
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Largent
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lucas
Manton
Manzullo
McCarthy (MO)
McCollum
McCrery
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Moakley
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Tierney
Towns
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Wexler
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Bateman
Clay
Davis (FL)
Dixon
Fattah
Gonzalez
Hastings (FL)
Istook
Meek (FL)
Miller (FL)
Paxon
Snowbarger
Spratt
Tanner

□ 1603

Mr. SAWYER changed his vote from "aye" to "no."

Mr. ABERCROMBIE changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. DAVIS of Florida. Mr. Chairman, during roll call vote 106, I was unavoidably detained. Had I been present, I

would have voted "aye" on the amendment offered by the gentlewoman from California (Ms. LOFGREN).

Mr. HYDE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, at this stage, I was about to offer an amendment. I will not offer the amendment, but I think it is important to explain what kind of an amendment it was and why I am not going to offer it.

Mr. Chairman, there are not many of us, a narrow band of Members, but there are some on both sides of the aisle who feel that we mistreat in terms of cost-of-living allowances our Federal judiciary. Now, that is a poisonous subject in some quarters, because judge bashing is a universal sport. But it is a fact, of all the government employees in the galaxy, the only group that does not get an automatic cost-of-living increase is the Federal judiciary.

There is a law, it is called Section 140, that requires a specific vote before any Federal judge gets a cost-of-living allowance. Not a pay raise, a cost-of-living allowance. Even ourselves get an automatic cost-of-living allowance. Under the law, it can be reversed by vote. And, of course, sometimes we succumb to the penurious complaints of Members and deny ourselves a pay raise. But we must take affirmative action to do that.

Not so with the Federal judges. The only way they can get a cost-of-living allowance is by us voting them one. I think isolating Federal judges from all of the other employees in the Federal Government is wrong, it is mean-spirited, it is unfair. And I do believe the quality of justice, which is not of the highest I hasten to add, depends on the caliber of the people administering that justice; and that is the judges, male and female, throughout the land.

We penalize them because they are Federal judges and we are mad at this judge or that judge for a dumb decision and, so, we are going to have the whole system rigged so they are different from everybody else. I think that is unfair.

Now, I have proposed in this bill a judicial reform bill to remove the requirement that Federal judges could not get a cost-of-living increase without a vote to remove that. I learned very late in the day before I was to appear before the Committee on Rules that the rule that would be proposed would be self-executing and would delete Section 9 of my bill, which was my amendment to provide for treating Federal judges like everybody else on cost-of-living allowances. I was upset at that and not having any notification.

But, in any event, I was informed that the reason my bill was going to have that part deleted was that I was creating an entitlement and we do not create entitlements that way. Well, there are ways to handle that, and one is to subject this change to appropriated funds. That would cure that. But nobody was interested in helping me do that in the rule. And I was told if I offered an amendment to that effect on the floor, even though this is an open amendment, that this would not be germane.

Well, we took steps to see that it would be germane by redrafting it. Certain amendments were adopted that broadened the purview of the statute. But that encountered serious resistance. And so, the upshot of all of this folderol about people nobody cares a great deal about, the Federal judiciary, treating them equally with everybody else, although we pretend to support equal justice for all, the upshot of it is, if I persist in my efforts, the bill will go down. And I do not want the bill to go down.

I think this is a good bill. There are some good things in this. And, therefore, I have agreed not to offer my amendment, to bite my lip, and to take the unfair, in my judgment, treatment of an issue that deserves debate on the floor in the vote.

I understand why people do not want this change to occur, because it helps us get a pay raise if we can say the judges are being held back, too. But I do not see why economic politics should deny one group of Federal employees, with all their warts and their flaws, equal treatment.

The CHAIRMAN pro tempore (Mr. ROGERS). The time of the gentleman from Illinois (Mr. HYDE) has expired.

(By unanimous consent, Mr. HYDE was allowed to proceed for 5 additional minutes.)

Mr. HYDE. Mr. Chairman, I yield to the gentleman from Michigan (Mr. CONYERS), the ranking member.

Mr. CONYERS. Mr. Chairman, I thank the chairman of the Judiciary for yielding.

I join my colleague in his sentiments and point out that this is going to take a considerable amount of work to accomplish this delinking. But I think the time has come that judges, as a governmental class, should be able to be entitled to these very modest cost-of-living increases that the rest of people that serve in the government enjoy. I appreciate the efforts of the gentleman.

Mr. HYDE. Mr. Chairman, I yield to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the distinguished member of the Committee on the Judiciary for yielding.

There are not many, there are some but not many, who have stood on this floor and either voted for or advocated for the pay raises not only for Federal employees but for Members of Congress than I.

I, however, in this instance, although understanding the concern that some have with respect to impact on Members' pay, want to strongly join the chairman of the committee in his comments with respect to delinking.

Very frankly, my friends, this has to do with whether or not the Congress of the United States has either the courage or judgment to stand and do what I think the overwhelming majority voted to do back in 1989, and that is take a cost-of-living adjustment, not a pay raise, but a cost-of-living adjustment to keep pay even. That is what a cost-of-living adjustment does. It keeps pay even.

Now, if we think we ought not to do that for ourselves, what the Chairman is saying, we ought not to tie in others to that same position, which in my opinion relates not to the equity of pay but relates all to politics. I understand that. I criticize no one for that. But I was going to support the Chairman's inclusion of the delinking in the bill.

Many on my side have not have done that, Mr. Chairman, as my colleagues know. And, frankly, some of my strongest allies on the other side on the pay issue would not have supported it. But I think it is wrong that we continue to keep the judiciary tied to the political vagaries of what this body is willing to do for itself.

Mr. HYDE. Mr. Chairman, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the Chairman for yielding.

I would like to add my concern and willingness to go the extra mile on what I think is an important and crucial issue: Are we going to have the best judicial branch this Nation can afford? And I, too, supported the effort of the Chairman to reflect on our appreciation and respect for the judiciary and the difficulty of their job and position and, likewise, as a newer Member, think that we can defend COLAs no matter who it happens to before, unfortunately, politics do get in the way.

Just about a year ago, one of my senior judges, Judge Norman Black, who, unfortunately, passed away, came and made an eloquent argument, not for self, but for the standing and the quality and the excellence of the judiciary. How can we do any less than to compensate them for this high calling?

So I would just offer to work with the Chairman. I appreciate his position in terms of the overall bill.

□ 1615

But I do believe that we need to have further discussions on this issue and work through it so that we can have the quality of the judiciary that we would like to have and ensure that there is adequate compensation out of the way of the politics.

Mr. HYDE. Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I rise to offer my support for the amendment that will now not be offered. But I want to express my admiration to the gentleman from Illinois. Taking the position he is taking so vigorously is not an easy one around here. But I hope Members will listen to what he said, separate out views that Members may have on particular judges and particular decisions from the more important question.

We all agree that there is going to be Federal law. We agree that there is going to be Federal criminal law and Federal civil law. We certainly all agree, I hope, that we want our constituents well served by thoughtful, intelligent people.

We want people who are at the top of the profession in temperament, and intelligence, and ability. Paying them as little as we do is a mistake. We are not going to get justice on the cheap that way, and we do not serve well this cause of justice for our constituents.

The CHAIRMAN pro tempore (Mr. ROGERS). The time of the gentleman from Illinois (Mr. HYDE) has expired.

(On request of Mr. FRANK of Massachusetts, and by unanimous consent, Mr. HYDE was allowed to proceed for 1 additional minute.)

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield to me?

Mr. HYDE. I yield to the gentleman from Massachusetts, certainly.

Mr. FRANK of Massachusetts. We do not serve the cause of justice by confusing unhappiness with particular judges and particular decisions with the functions of the judiciary. The gentleman is making a valiant effort to protect that function. I hope that in some other context those efforts are more successful. I regret, although I understand fully, the situation in which he found himself, that we will not be able to vote on it now.

I will say, as an aside, this does make it an easier decision for me because, had the gentleman offered the amendment and had it been succeeded, I would have been conflicted, but now I can vote against what I think is kind of a silly bill without any problem.

AMENDMENT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONYERS:

Add the following at the end:

SEC. 12. FOREIGN JURISDICTION AND PROCESS.

(a) IN GENERAL.—Chapter 113 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 1697. Foreign jurisdiction; service of process; compliance with rules of discovery

"(a) FOREIGN JURISDICTION AND PROCESS.—In any civil action for harm sustained in the United States, that is brought in a Federal court against a defendant located outside the United States, the court in which the action is brought shall have jurisdiction over such defendant if the defendant knew or reasonably should have known that its conduct would cause harm in the United States. Process in such civil action may be served wherever the defendant is located, has an agent, or transacts business.

"(b) COMPLIANCE WITH RULES OF DISCOVERY.—In any action described in subsection (a), any party who is a citizen or national of a foreign country shall comply with the rules governing the conduct of discovery in the same manner and to the same extent as a party that is a citizen of the United States, except that the deposition of a person who is a citizen or national of a foreign country may be taken only by leave of the court on such terms as the court prescribes.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 113 of title 28, United States Code, is amended by adding at the end the following new item:

"1697. Foreign jurisdiction; service of process; compliance with rules of discovery.".

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request from the gentleman of Michigan?

There was no objection.

Mr. CONYERS. Mr. Chairman, I used to say that my amendment is simple and should be noncontroversial, but I have stopped doing that lately. But this is not a complicated amendment. It changes title 28 to provide for service of process against actions brought against defendant corporations located outside of the United States. It is an amendment that has succeeded before on a couple of occasions, once in a bipartisan vote, and the other in a motion to instruct conferees.

It responds to the problem of service to a foreign corporation by creating a nationwide contacts test whenever a foreign defendant is sued in Federal court if it knew or reasonably should have known that its conduct would cause harm in this country.

This is not a new test. It has been repeatedly upheld by our courts and is in the law already and for other activities. It is similar to the standard adopted last Congress when we amended the Foreign Service Immunities Act to permit actions against terrorist States to proceed in this country.

Secondly, we provide for worldwide service of process. Presently, a big problem with service of process is that each nation requires different methods for process. A uniform worldwide service will fix this problem, and is consistent with our other laws like the Clayton Act, and the securities laws permitting service wherever the defendant can be found.

Finally, my amendment ensures that foreign persons are subject to the same rules of discovery as our own citizens and corporations when they are sued for wrongdoing. Currently, Americans are subject to a cumbersome discovery process which requires involvement of foreign courts and is subject to foreign laws that are designed to thwart discovery process.

Let us continue to create a level playing field so that our American companies are not, in fact, disadvantaged by foreign competitors. It will also help ensure justice for U.S. citizens that might be harmed by a foreign product.

When a foreign automobile is defective, or when fruit imported from out of the country causes widespread disease, or when a halogen lamp made overseas but used in this country explodes, we need to make sure that there is some form of accountability, whether the defendant is located within the United States or not.

So I urge, again, for the favorable consideration of the amendment.

Mr. CANADY of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Michigan. This is an amendment which was considered by the full Committee on the Judiciary and was not adopted. It is also an amendment that was considered by the full House 3 years ago, I understand, when it was offered as an amendment to the product liability reform bill. It was defeated then. I understand there may have been a conflicting action on a motion to instruct conferees.

I think it is important for the Members to focus on the potential impact of this amendment. I share the concern of the gentleman from Michigan that we act in such a way that we can help ensure that American companies are not subjected to unfair foreign competition. But I think we also have to be very concerned about the potential retaliation by foreign nations if we adopt a provision such as this, that that is a primary concern, I think, that should move us to oppose the gentleman's amendment and see that it is not adopted.

The extent to which American statutes apply to foreign nationals already is a serious point of contention in our foreign relations. I believe it is important that we proceed cautiously in this area. I think additional caution is indicated due to the fact that this amendment has not been the subject of full consideration in hearings.

I agree with the gentleman that this is an area for us to look at, but I do not think that we have adequately evaluated this in order to make sure that we are striking an appropriate balance that is not going to end up actually harming American interests.

I respect the intentions of the gentleman from Michigan. I understand that he is trying to protect American interests. But it is my concern for which I believe that there is a strong basis that the actual impact of this could actually be to harm American interests around the world and to subject

American companies, American citizens doing business in other countries to retaliatory action in response to our enactment of this amendment.

In light of those concerns, and with the recognition of the gentleman's good faith in offering this, I would strongly urge the Members of the House to reject the amendment, but I would for myself certainly offer to the gentleman to work with him on this issue and to see if there may be a way that we can strike an appropriate balance where we can help protect American interests without inviting retaliation that could be harmful.

Mr. SKAGGS. Mr. Chairman, will the gentleman yield?

Mr. CANADY of Florida. I am happy to yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Chairman, I just was curious because I was tracking, I think, the gentleman's logic in this. It seems to me it might extend then to, for instance, opposing the Helms-Burton legislation which has certain extraterritorial effects that run into serious opposition from our friends around the world.

Mr. CANADY of Florida. Mr. Chairman, I thank the gentleman for his insight on that issue. I would suggest to the gentleman from Colorado that there are extraordinary considerations involved there which the House has debated. The House has spoken on that issue along with the Senate, and I might also add along with the administration.

Mr. SKAGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the distinguished gentleman from Michigan (Mr. CONYERS), the ranking member.

Mr. CONYERS. Mr. Chairman, I would want to say to my friend from Florida, we need to work on this some more, but what more work does the gentleman have in mind? This is no different from the committee amendment. We have gone through this in the Committee on the Judiciary. That is the only way it got out to the floor.

Mr. CANADY of Florida. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Florida.

Mr. CANADY of Florida. Mr. Chairman, it is true we went through it in the Committee on the Judiciary, and the amendment was defeated. It was rejected by the committee. Obviously, that is why we are here debating it today.

Mr. CONYERS. Yes, it was defeated in the committee; but with no derogatory reflection on the committee. It was passed in the House by a vote of 258 to 166, and then it was approved by an even larger motion to instruct conferees by 256 to 142, February 29, 1996.

If the gentlemen are suggesting that I have got to pass an amendment in the Committee on the Judiciary before I can pass an amendment that has already passed on the floor, we maybe ought to reconsider the way that Congress works. Notwithstanding the Members in the committee, this is a very popular motion.

Let us talk about the problems that one might examine here. First of all, I do not want to put the gentleman into a not wanting to protect American interests like the majority of us do. I know he does. I would argue that for anybody. But there is no retaliation. We are the ones that are being disadvantaged already.

What I am doing is trying to level the playing field. The fact of the matter is that Americans cannot reach foreign corporations because we are tied up by their laws of service, their laws of discovery, their laws of bringing them into litigation.

All I am saying is that foreign corporations, if and when they may be the subject of litigation, would be subject to no less rules of procedure than American corporations.

How that would antagonize a foreign corporation benefiting from American sales, and by the way, guess who buys the most from everybody in the world? So there is no way that we could make them angry and they would take their products away from us. I do not think that is going to really work. So please, please, sir, realize that this is very critical to American citizens, our constituents, who are trying to seek some recovery.

Now, it just occurred to me, I mentioned halogen lamps. You know, the greatest jazz musician in America, aged 90, Lionel Hampton, had his whole apartment destroyed because of a halogen lamp. I do not know whether it was made in or out of the U.S., but there was going to be a big suit, and they, fortunately, resolved it.

But if it had gone to litigation, if it had been a foreign corporation, Lionel Hampton may not live long enough to ever see anything happen to it, because he would have to go along with the civil rules of procedure for whatever company, for whatever country the company originated in.

All I am saying is let us have everybody play by the same set of rules. So if we could get another vote on it, and everyone is of the same opinion that they were 2 years ago, 1 year ago, I would be very grateful.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

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

Mr. CONYERS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 408, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

The point of no quorum is considered withdrawn.

□ 1630

AMENDMENT OFFERED BY MR. ADERHOLT

Mr. ADERHOLT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ADERHOLT:

Page 8, line 15, insert "or to disburse any funds to remedy the deprivation of a right under the Constitution," after "tax,".

Page 8, line 21, strike "or assessment" and insert "assessment, or disbursement".

Page 9, strike lines 1 through 24 and insert the following:

"(C) the tax or assessment will not contribute to or exacerbate the deprivation intended to be remedied, including through its effect on property valves or otherwise;

"(D) plans submitted to the court by State and local authorities will not effectively redress the deprivations at issue; and

"(E) the interests of State and local authorities in managing their affairs are not usurped, in violation of the Constitution, by the proposed imposition, increase, levying, or assessment.

"(2) The limitation contained in paragraph (1) shall apply only to any order or settlement which—

"(A) expressly directs any State, or political subdivision of a State, to impose, increase, levy, or assess any tax or disburse any funds to remedy the deprivation of a right under the Constitution; or

"(B) will necessarily require a State, or political subdivision of a State, to impose, increase, levy, or assess any tax or disburse any funds to remedy the deprivation of a right under the Constitution.

"(3) If the court finds that the conditions set forth in paragraph (1) have been satisfied, it shall enter an order incorporating that finding, and that order shall be subject to immediate interlocutory de novo review.

Page 10, line 7, insert after "tax," the following: "and any person or entity that is a resident of the State or political subdivision that would be required to disburse funds under paragraph (1) shall have the right to intervene in any proceeding concerning such disbursement,".

Page 10, line 16, insert ", or disburse the funds," after "tax".

Page 10, line 21, insert ", or the disbursement of funds," after "tax".

Page 10, line 25, insert "or the disbursement of funds, as the case may be" after "tax".

Page 11, line 10, insert ", or a disbursement of funds that is made," after "imposed".

Mr. ADERHOLT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. ROGERS). Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. ADERHOLT. Mr. Chairman, today I have come to the House floor to call for an end to the unlimited power of Federal judges to legislate from the Federal bench and then send State and local taxpayers the bill. I want to make certain that Federal judges like some in Alabama, like Judge Ira DeMent, so they cannot use the people's

hard-earned tax dollars for things like court-appointed prayer monitors and sensitivity training for teachers on how to keep prayer out of schools.

In Dekalb County, Alabama, which I am privileged to represent, the Fourth Congressional District, Judge DeMent has been decided to be a legislator and appropriate from the Federal bench. He ordered county school funds that should be going to the classrooms to go to pay for court-appointed monitors who will go into the schools and to make sure that there is no prayer.

Although I disagree with Judge DeMent's ruling, there may be some here today who agree with it, but when a Federal judge has free rein to take control and take local school funds away from local officials and then use them to pay for whatever he deems necessary, that is going too far. We need to have checks and balances. Our Nation was founded on this principle, and unfortunately we have drifted far away from this. Taxation without representation has been a cause for revolt in this country since the beginning of the American Revolution, and we are still fighting this battle today.

This amendment that I am offering today would re-insert and clarify the original language in section 5 of H.R. 1252 to ensure that certain criteria are met before the courts can disburse existing local and State taxpayer dollars in constitutional cases. The underlying bill has stated that a judge must meet certain criteria in order to raise or assess taxes. My amendment will give Federal judges the same pause for thought before using existing State and local revenues in constitutional cases.

This amendment does not say a Federal judge can never use State and local funds, it merely states that before he acts he must make sure that he is doing the right thing.

An unelected official should not be allowed to impose a tax on the people without first giving careful consideration to their actions. Likewise, if a Federal judge takes away local resources to enforce a ruling, especially in constitutional cases, there need to be protections built into the system to ensure that judges do not overstep their bounds and make decisions that are clearly out of the scope of their authority.

Using existing funds collected from honest taxpaying citizens for purposes that a judge who has clearly over stepped his bounds, they should be prohibited, and that is what my amendment aims to do.

I urge my colleagues to put a stop to the court systems in America that are running amok and vote in favor of my amendment to H.R. 1252.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Alabama (Mr. ADERHOLT).

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

Mr. SKAGGS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 408, further proceedings on the amendment offered by the gentleman from Alabama (Mr. ADERHOLT) will be postponed.

AMENDMENT OFFERED BY MR. SKAGGS

Mr. SKAGGS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SKAGGS:

At the end of the bill, add the following new section:

SEC. COURT SETTLEMENT SUNSHINE.

(a) SHORT TITLE.—This section may be cited as the "Federal Court Settlements Sunshine Act of 1998."

(b) REQUIREMENTS REGARDING SETTLEMENT OF CASES.—Chapter 111 of Title 28, United States Code, is amended by adding at the end the following:

"SEC. 1661. PUBLIC AVAILABILITY OF SETTLEMENTS OF CASES.

"Any settlement made of a civil action to which the United States, an agency or department thereof, or an officer or employee thereof in his or her official capacity, is a real party in interest, shall not be sealed, but shall be made available for public inspection, unless the court determines that there is a compelling public interest in limiting such availability. Any such determination shall be made in writing and shall explain the basis for the determination."

(c) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 111 of title 28, United States Code, is amended by adding at the end the following new item:

"Sec. 1661. Public availability of settlements of cases."

Mr. SKAGGS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as having been read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. SKAGGS. Mr. Chairman, I appreciate the opportunity to bring this issue to my colleagues, but in doing so I want first to apologize to particularly the chairmen of the committee and the subcommittee for not having brought this to them before we started debate on this on the floor today. It is not a process that I would normally want to follow and certainly not one that they want to have followed.

But this is a matter that actually was heard in a Judiciary subcommittee a few years ago and reported out. It basically would provide that in any civil case in which the United States, an agency of the United States or a officer of the United States is a party in interest, that any settlement entered into in such a case would in the normal course have to be made available to the public, public information, unless the presiding judge entered an order finding that there was a compelling public interest in sealing the settlement papers and making them secret.

Certainly at a time when there is a lot of discussion about the need for more open and accountable government, I believe that moving in this direction with the Federal courts is an appropriate thing to do.

We are all well aware that agencies in the United States Government are involved in litigation routinely around the country involving all manner of important public issues, whether Superfund matters, consumer products issues, whatever. Frequently these cases are settled and the judge considering the settlement is requested to seal the settlement; that is, block any public disclosure. The reason for sealing these settlements can range from just avoiding embarrassment to protecting trade secrets and a number of things, some of them quite legitimate and offering a compelling public interest reason for sealing the information.

But I think it is important and therefore this amendment would create a presumption that in cases in which the United States Government is a party, that the public's right to know should be respected, again absent a presentation of reasons to seal a settlement and absent a determination by the court on a reasonable basis that there is good reason to withhold the terms of the settlement from the public. This is the public's business. Often large sums of money or important matters of public policy can be at stake, so I think it is only right that we all have a chance to see what kind of settlement arrangements our national government has entered into.

I know my colleagues may recall back to the savings and loan debacle days. In Colorado there was a settlement in the old Silverado case involving something like a billion dollars, but that settlement was sealed and the people of Colorado and the country never had any opportunity to find out exactly what was going on there. I do not think that is the kind of presumption that creates and supports public trust and confidence in the courts, so I hope that this is an amendment that is reasonably drawn for a good purpose and can earn the support of my colleagues.

In the hearing that was held on this amendment some years ago before it was passed out of the same subcommittee that brings this bill to the floor, one Federal district judge who testified in support of the bill characterized this kind of public accountability as, quote, the very essence of justice is that it is public. I think that ought to inform our treatment of this matter, and I ask my colleagues' favorable consideration.

Mr. CANADY of Florida. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Colorado (Mr. SKAGGS).

Mr. Chairman, I am sorry to disappoint my friend and colleague from Colorado in opposing the amendment, but as the gentleman noted at the outset, this is an amendment which we on the Committee on the Judiciary have really not had an opportunity to fully evaluate.

I am sympathetic to the concerns underlying the amendment, and although I will have to say that this debate to a certain extent has already taken place in connection with the Jackson-Lee amendment that was offered earlier, obviously the gentleman's amendment is more restricted in that it focuses on settlements involving the Government of the United States, whereas the Jackson-Lee amendment was much broader than that. But, notwithstanding that, I am concerned that this amendment would in its present form serve to discourage settlement of cases by the government and could result in the disclosure of information which should not be disclosed, which could cause unnecessary embarrassment to innocent individuals.

There is also a potential, as the gentleman recognized, for disclosure of proprietary information. I believe the gentleman's position would be that his amendment would not require the disclosure of proprietary information. I am not certain that that is clear from the terms of the amendment, however, so that is a concern.

I think another point to make in connection with this is that the Civil Rules Advisory Committee of the Judicial Conference has recommended that there be no changes to rule 26(c) regarding protective orders, and I do not always agree with the Judicial Conference.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. CANADY of Florida. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I would just note that the gentleman never agrees with the Judicial Conference.

Mr. CANADY of Florida. Well, occasionally.

Mr. FRANK of Massachusetts. Except now.

Mr. CANADY of Florida. Occasionally we agree with the Judicial Conference. The Judicial Conference has looked at this, and they have decided that there is no compelling need for a change in the rule.

Another point that I think we should consider is that the sort of public matters and settlements by government agencies that the gentleman is concerned about are subject to ongoing oversight by the Congress of the United States. I think that that is an appropriate area for us to be involved, and I believe that to the extent that there may be problems with respect to settlements that are entered into by government agencies, it is our responsibility in the Congress to conduct oversight with respect to those matters. I believe that that avenue of bringing public scrutiny to settlements is a valuable check on potential abuses in this area.

So for all of these reasons I would urge the Members of the House to reject the gentleman's amendment. Again, as with the earlier amendments, I as a member of the Subcommittee on Crime would be happy to work with the gentleman in addressing his concerns.

There may be a way that could be more narrowly tailored and targeted which would help ensure that the public interest is protected, and that all the other concerns that we have are adequately covered so that we are not compromising the values that we seek to protect. We may be able to craft an approach that would take all those things into account and would be balanced and would deserve passage by the House, but I do not think we are there yet with this particular amendment, so I would urge the Members of the House to reject the amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as it has been said that patriotism is sometimes the last refuge of scoundrels, invocation of the Judicial Conference is the last refuge of my friend from Florida. He is rarely to be found on the same side of an issue as the Judicial Conference, he is rarely to be found on the same side of the hemisphere as the Judicial Conference, and when the gentleman from Florida invokes the Judicial Conference it is a simple affirmation of the principle that nature abhors a vacuum. Into the vacuum of arguments that my friend had rushes a reference to the Judicial Conference. The fact that he who ordinarily disagrees with it invokes it shows this is a pretty good idea. Not only is it a pretty good idea, but it is one that is hard to object to.

The gentleman's amendment is quite moderate, the gentleman from Colorado. It says if a judge decides there is a compelling reason not to make this public, the judge can do that. But the rule ought to be, the assumption ought to be that the public will know about public business.

I am surprised, frankly, at some of my conservative friends. Conservatives have traditionally distrusted the executive. For them to be not wanting to require the executive to make clear the terms of any settlement which in the nature of the case would exclude the legislative body but be an executive decision surprises me. So I rise in support of the amendment.

Mr. Chairman, I yield to the gentleman from Colorado (Mr. SKAGGS) the author of the amendment.

□ 1645

Mr. SKAGGS. Mr. Chairman, I appreciate the comments made by my friend from Florida about other ways of getting at the problem. I think it is a bit not quite sufficient to the issue to suggest that any problems along these lines, of course, would be susceptible to Congressional oversight and intervention by us. That can happen in a fairly haphazard fashion, as I think the gentleman is aware.

But this really comes down to a pretty fundamental question, which is do you think the business of the United States courts, when involving the United States itself as a party, ought to be presumptively public business or not, yes or no, subject to the discretion of a judge, employing a reasonable standard to determine whether there are countervailing interests to that presumption of the public business of the public courts being public?

If the gentleman is uncomfortable with that proposition, obviously he will vote against the amendment. But I think it is a fairly straightforward one, and one I was quite proud, for instance, to have the cosponsorship and support of the now chairman of the Committee on the Judiciary when this was reported out of the subcommittee that the gentleman is now a member of a couple of years ago.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. SKAGGS).

The amendment was rejected.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 408, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

The amendment offered by the gentleman from Michigan (Mr. CONYERS), and the amendment offered by the gentleman from Alabama (Mr. ADERHOLT).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. CONYERS

The CHAIRMAN. The pending business is the vote on the amendment offered by the gentleman from Michigan (Mr. CONYERS) on which further proceedings were postponed, and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 200, noes 216, not voting 16, as follows:

[Roll No. 107]

AYES—200

Abercrombie	Baesler	Barrett (WI)
Ackerman	Baldacci	Becerra
Allen	Ballenger	Bentsen
Andrews	Barcia	Berman

Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Chabot
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Duncan
Edwards
Ehrlich
Engel
English
Ensign
Eshoo
Etheridge
Evans
Farr
Fazio
Filner
Ford
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hefner
Hilleary
Hinchey
Holden
Hooley
Hoyer
Hunter
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pappas
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Roybal-Allard
Rush
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Skaggs
Skelton
Slaughter
Smith (MI)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stearns
Stokes
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Velázquez
Vento
Visclosky
Wamp
Waters
Watt (NC)
Waxman
Weygand
Wise
Woolsey
Wynn
Yates

NOES—216

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

NOT VOTING—16

Bateman
Clay
Coble
Dixon
Fattah
Fox
Gonzalez
Hastings (FL)
Hinojosa
Istook
Meek (FL)
Miller (FL)
Paxon
Poshard
Riggs
Tanner

□ 1709

Messrs. FOLEY, YOUNG of Alaska, and CAMPBELL changed their vote from "aye" to "no."

Messrs. OWENS, KUCINICH, STUPAK, MCHUGH, HILLEARY, MINGE and HUNTER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to House Resolution 408, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the additional amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. ADERHOLT

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Alabama (Mr. ADERHOLT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 236, not voting 22, as follows:

[Roll No. 108]

AYES—174

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bereuter
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Ensign
Everett
Foley
Fossella
Fowler
Gallegly
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jenkins
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Knollenberg
Kolbe
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Moran (KS)
Myrick
Nethercutt
Neumann
Northup
Norwood
Nussle
Packard
Parker
Paul
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Portman
Radanovich
Redmond
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stenholm
Stump
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Wamp
Watkins
Watts (OK)
Weldon (FL)
Wicker
Wolf
Young (AK)
Young (FL)

NOES—236

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fawell
Fazio
Filner

Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gordon
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Harman
Hilliard
Hinchey
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kucinich
LaFalce
LaHood
Lampson
Lantos
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pappas
Pascrell
Pastor
Payne
Pelosi
Petri
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Sununu
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wise
Woolsey
Wynn
Yates

NOT VOTING—22

Bateman
Buyer
Camp
Clay
Coble
Cox
Davis (IL)
Dixon
Fattah
Fox
Gonzalez
Hastings (FL)
Hinojosa
Istook
Kaptur
Meek (FL)
Miller (FL)
Paxon
Poshard
Riggs
Souder
Tanner

□ 1718

Messrs. GREEN, McDADE, PETRI and MILLER of California changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. CAMP. Mr. Chairman, on rollcall no. 108, my voting card did not register, although I voted no.

(By unanimous consent, Mr. SOLOMON was allowed to speak out of order.)

AMENDMENT PROCESS FOR H.R. 6, THE HIGHER EDUCATION AMENDMENTS OF 1998

Mr. SOLOMON. Mr. Chairman, I move to strike the last word for the purposes of making an announcement.

Mr. Chairman, the Committee on Rules is planning to meet the week of April 27th, this coming week, to grant a rule which may limit the amendment process on H.R. 6, the Higher Education Amendments of 1998.

The rule may, at the request of the Committee on Education and the Workforce, include a provision requiring amendments to be preprinted in the amendment section of the CONGRESSIONAL RECORD. Amendments to be preprinted should be signed by the Member and submitted at the Speaker's table. Amendments should be drafted to the text of the bill as reported by the Committee on Education and the Workforce.

Mr. Chairman, Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to make certain that their amendments comply with the rules of the House.

Mr. MANZULLO. Mr. Chairman, I ask unanimous consent that the Clerk be directed to strike section 5 of the bill.

The CHAIRMAN pro tempore (Mr. ROGERS). Is there objection to the request of the gentleman from Illinois?

Mr. ADERHOLT. Mr. Chairman, reserving the right to object, and I do not intend to object, but I would like to engage in a colloquy with the distinguished gentleman from Florida (Mr. CANADY) chairman of the Subcommittee on the Constitution of the Committee on the Judiciary.

Mr. Chairman, I would like to request that the Committee on the Judiciary study the situation in DeKalb County, Alabama, which has occurred as a result of Judge DeMent's ruling. I do not object to the unanimous consent at this time, but I would like to ask that that be studied.

Mr. CANADY of Florida. Mr. Chairman, will the gentleman yield?

Mr. ADERHOLT. I yield to the gentleman from Florida.

Mr. CANADY of Florida. Mr. Chairman, I certainly understand the gentleman's concerns and I share the concerns regarding certain matters with respect to the judge's order, and that is a matter which we will consider.

Mr. ADERHOLT. Mr. Chairman, reclaiming my time, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN pro tempore. Section 5, as amended, is stricken.

Are there other amendments?

AMENDMENT OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COBURN:

Add the following at the end:

Sec. 12. LIMITATION ON RACKETEERING

(a) IN GENERAL.—Chapter 99 of title 28, United States Code, is amended by adding at the end the following new section:

"Sec. 1633. LIMITATION ON RACKETEERING"

"(a) LIMITATION.—Notwithstanding any other provision of law, in an action under section 1964 of title 18, no court of the United States or other court listed in section 610 of this title shall have jurisdiction to enter or carry out any order against the defendant, unless the defendant has engaged in a profit-seeking purpose or committed a criminal offense under state law or under this title.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 99 of title 26, United States Code, is amended by adding at the end the following:

"1633. Limitation on racketeering.".

Mr. COBURN. Mr. Chairman, everyone knows what a racketeer is and what a racketeer-influenced corrupt organization is. These words refer to organized criminals, to people who form gangs for the purpose of hurting other people and stealing from them.

Declaring people racketeers simply because they engage in activities and activism on behalf of a cause does something very serious to our form of self-government and our sense of civil liberties. It puts citizens at risk of losing everything they have if they support a cause that happens to not be popular in the eyes of some court. It frightens citizens against the kind of civil activism that has been a hallmark of our democracy. It undercuts the very foundations of our government by the people.

This amendment has no effect on the prosecution of criminals. It affects only civil actions under RICO. It offers no loophole of any sort for those who would attempt to steal the property of others or for those who would hurt innocent people.

There is only one class of people who benefit from this amendment: citizens lawfully exercising their rights to speak out on issues of public concern.

Mr. Chairman, it is my hope that we can support this amendment.

Mr. SHADEGG. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from Arizona.

Mr. SHADEGG. Mr. Chairman, I rise in support of the gentleman's amendment and do so on the basis that the law needs to provide that the purpose of the crime has to have been a profit-seeking motive.

The Arizona RICO law is written in a fashion to parrot the gentleman's amendment. It provides that the crime, the RICO offense, in order to be a predicate under the law, must have been pursued for financial gain.

What the gentleman's amendment does is simply clarify that and provide that unless there was either a profit-seeking purpose or a criminal offense as defined under State law or under Federal law, a RICO action cannot be brought.

That is consistent, Mr. Chairman, with both the intent of the authors and of the experts that help write the law, specifically, I believe, law professor G.

Robert Blakey. I think the gentleman's amendment clarifies the law and is a step in the right direction, and I support the amendment wholeheartedly.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we will now find out if on the Republican side sauce for the goose is sauce for the gander.

I opposed an amendment that was offered before by the gentleman from California that would have created a brand-new privilege, a parent-child privilege, not on the grounds that it was an unthinkable idea but that dealing with a subject of that complexity and that impact for the first time on the floor of the House without having gone through any of our procedure was not a good idea.

□ 1730

The majority agreed with me. I make the same argument here. Actually, this is not so much an amendment as it is a periodical. I have gotten four versions of it. I understand that. I am holding all four versions.

First, it said earlier today it would only apply if the defendant was not primarily engaged in a profit-seeking purpose. Then we got profit-seeking purpose or committed bodily injury. Then we got, we struck bodily injury, and we got criminal offense. Then we got a conforming amendment.

I do not criticize the drafters. They are doing a very good job, but this is a work in progress. We have gotten four versions of it because they are trying to deal with a complex subject. I understand that this is a response to a decision that was just made, but let me make a point that I thought was clear. You run the place. You control the committees. You could schedule a hearing next week. You could schedule a markup the week after. You can bring the bill to the floor. Do not work in such haste on this issue.

Now, Members quoted Professor Blakey as saying that the RICO statute goes too far. Many of us agree. But do my colleagues know it does not just go too far for nonprofits. There are profit-making entities that have been unfairly dealt with under RICO.

You leave them alone, because my colleague from California did not like what Kenneth Starr did with regard to Monica Lewinsky and her mother, and came in with a bill right to the floor of the House. My colleagues here do not like what a court did with regard to a right-to-life group, and they come right to the floor of the House. This is not a place for instant therapy. If you do not like something you read in the paper, please do not come right up with an amendment. Let us use the procedures.

I agree in both cases; legislative action is appropriate, but not right away; not version four of the amendment. Let us have a hearing and a markup, and let us not say that we are only going to protect nonprofits. If you vote for this amendment, are you then going to tell people that as far as profit-making entities are concerned, RICO does not go too far?

Mr. SHADEGG. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Arizona.

Mr. SHADEGG. Mr. Chairman, I simply want to point out that the language as offered by the gentleman from Oklahoma does not limit this exemption to nonprofits. It will apply to profits or nonprofits. What it does is limit the activity to whether or not the activity was profit-making activity.

Mr. FRANK of Massachusetts. I agree with that. That is exactly what I said. In fact, if you are a corporation trying to make a profit, which most corporations do, you are not covered by this amendment. That is true. If you have a profit-making corporation that is selling girl scout cookies, they could not be RICO'd for selling girl scout cookies. But under this amendment if they are a profit-seeking corporation seeking a profit, which profit-seeking corporations are wont to do, they do not get the benefit of this.

Mr. SHADEGG. Again, Mr. Chairman, if the gentleman will continue to yield, I want to try to make this clear. It does not matter whether the entity is a profit-making entity or a nonprofit-making entity. If a profit-making entity is not engaged in a profit-making activity, they are engaged in a charitable activity.

Mr. FRANK of Massachusetts. Mr. Chairman, I understand that. Reclaiming my time, the gentleman is limited in the amount of time he can state the obvious. Yes, if you are a profit-making corporation and you are going about the business of trying to make a profit, this amendment does not protect you. You could be subject to RICO. I agree.

If General Motors was accused of trying to sell girl scout cookies in a racketeering way, you have come to their defense. But if someone said, corporation X is guilty of racketeering in its profit-making corporate entity, they are not protected. I do not think that ought to be the case. I do think there have been abuses of RICO, but against profit-making entities trying to make a profit. Indeed, if you look at the pattern of RICO, it is more often used by one civil plaintiff against a civil defendant and a profit-making corporation.

I do not know what play they are going to call in the huddle, but we may be about to see version five. I have four versions and seven people working on amendment 5.

Let us go to a hearing. Let us go to a markup. I do not think we should have the markup right here. It is not polite. I think we ought to do this in the regular order. But this amendment says, if you are engaging in profit-making activity, and you have a profit-making purpose, you get no benefit. You are covered by RICO.

RICO says you cannot get together for racketeering purposes. I would not suggest that that is what is going on over there, Mr. Chairman. What they are trying to do is what we should do in the regular legislative process. Let us have a hearing and do this in a sensible way.

Mr. COBURN. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN pro tempore (Mr. ROGERS). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. COBURN. Mr. Chairman, I recognize the pertinent comments of the gentleman from Massachusetts, and would say that many of his comments are accurate, and that given his comments being accurate, I ask unanimous consent to withdraw the amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I would look forward, as I think many on our side would, and I know the ranking member would, we would love to reexamine the RICO statute across the board and deal with abuses, and on that basis I thank the gentleman and we will be cooperative.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I want to suggest to the gentleman from Oklahoma (Mr. COBURN) that he has performed a signal service by bringing this matter to our attention. Yes, it is in the wake of a jury verdict and a court case that happened in Chicago, but he is highlighting a problem this Congress has wrestled with for years; namely, trying to make some sense out of the RICO statute.

There are abuses where it is applied where it was never intended to be applied. That is recognized by the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Michigan (Mr. CONYERS) and conservatives on this side. We need to look at RICO. And so if the gentleman is generous enough, and he has been, to withdraw his amendment, I pledge the Committee on the Judiciary will take a hard look at revising the RICO statute, hold hearings, working in a bipartisan way with the minority, and try to come up with a bill that does something substantive and correct what we all agree is an egregious flaw.

Mr. COBURN. Mr. Chairman, I thank the gentleman.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, we may wind up invoking that great quote from Edward G. Robinson in the civil situation, "is this the end of RICO?"

Mr. HYDE. That is from Little Caesar, and I remember it well. The gentleman and I are the only two.

Mr. COBURN. Mr. Chairman, I ask unanimous consent that the amendment be withdrawn.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN pro tempore. Are there further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as modified.

The amendment in the committee nature of a substitute, as modified, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SNOWBARGER) having assumed the Chair, Mr. ROGERS, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1252) to modify the procedures of the Federal courts in certain matters, and for other purposes, pursuant to House Resolution 408, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 1252.

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

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1252, JUDICIAL REFORM ACT OF 1998

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1252, the Clerk be authorized to correct section numbers, punctuation and cross references, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill, H.R. 1252.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3579, 1998 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3579) making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBEY.

Mr. OBEY. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. OBEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 3579, making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes, be instructed, within the scope of the conference, to agree to funding for the International Monetary Fund consistent with the terms, conditions, and provisions of H.R. 3114, as reported by the Committee on Banking and Financial Services.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 30 minutes, and the gentleman from Louisiana (Mr. LIVINGSTON) is recognized for 30 minutes.

Mr. SANDERS. Mr. Chairman, I wonder if the gentleman from Louisiana is, in fact, in opposition to this IMF bailout?

Mr. LIVINGSTON. I am in opposition to the motion.

Mr. SANDERS. Mr. Speaker, I thank the gentleman.

□ 1745

Mr. OBEY. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, I am in a curious position here today. I am offering a motion to instruct to the conferees to defend what would have been considered a core Republican value when I first came to this body.

When I came to this body, the Republican Party was a very strong internationalist party, and it recognized that the best way to defend our own economic interests was to make certain that our economy was operating in a world which was as stable as possible. We are being asked to appoint conferees tonight on a bill which is supposed to contain not only supplemental appropriations for Bosnia and for Iraq and for flood victim relief, it is also supposed to contain, at least the administration asked us to include in this proposition, full funding for the IMF replenishment and funding, as well, for the United Nations arrearages so that we can eliminate our debt status in that organization.

I have a motion here tonight which would instruct the conferees to at least accept, as an add-on to the bill passed by this House, to accept our obligation to fully fund the administration request for the IMF.

I am not doing that because it will help American business, although it certainly will. I am not doing that because I care about what is going to happen in Asian countries around the world. I care, but that is not the reason I am offering the motion. I am offering this motion because we need to be aware of the fact that what happens in our economies around the world can have a crushing effect on American workers and a hugely negative effect on the American economy.

We have seen what has happened in Asia when that region has continued to engage in fiscally ludicrous acts. We have seen Japan for years follow an economic policy which has led to a huge over-building in many areas in Asia instead of having led to a growth in Japanese consumption. And we have seen speculative activities, as well, in Asia. And, as a result, a few months ago we saw a huge collapse of Asian currencies.

I do not worry about that because of what it means to Asia. I worry about that because of what it means to us. Because what it means is that, as a result of those devalued currencies, we have got every cargo ship known to man being loaded with artificially low-priced foreign goods who are on their way to the American economy and they are soon going to be sold in this economy at cut-rate prices because of currency disequilibrium; and those sales and the accompanying trade deficits are going to cost many American jobs and they are going to close many American factories.

We are being told that, in spite of that threat, we should not act upon it because, somehow, an element of the majority party caucus still wants to use this IMF crisis as leverage in order to push their advantage on a totally unrelated issue involving family planning policy known as the Mexico City policy.

And so, the American business community is being told that they should wait for another day to have this problem addressed. I do not think we can afford to wait for another day. At any

moment, the act of some speculator, the run on country's currency could cause a further unraveling of the situation in Asia, which would present us with even bigger economic problems. At any time, we could have a currency crisis in the Ukraine, in Brazil, in Russia, in India, in Turkey; and, without IMF replenishment, we would not be ready to defend the economic interest of the United States.

My motion would simply instruct the House conferees to agree to the administration's request for funding of the International Monetary Fund under the terms and conditions approved by the House Banking Committee. That Banking Committee bill was approved on March 5 with the overwhelming bipartisan vote of 40–89, with the support of virtually all of the Democrats on the Committee and the votes of two-thirds of the Republicans on the committee. And that bill was endorsed by the administration.

That bill sets tough new labor rights and environmental conditions on IMF lending, as well as new requirements for increased accountability and transparency at the IMF. It sets up a watchdog group, including representatives from labor and NGO groups, to review the implementation of labor rights and other criteria. And it does a number of other things.

I do not think that we can afford to wait, and I do not especially think it is a good idea to allow us to go to the Senate and have only the Senate language on the table, language which was much more favorable to the administration, frankly, but language which I do not believe adequately defends the interest of American workers.

That is why I would simply say to those of my colleagues who have told their workers or their businesses or their farmers that they are going to be defending the economic interest of American workers, I think this is the time and this is the vote. This is not a partisan issue. It certainly should not be a partisan issue. It has become wrapped up in partisan hostage politics, unfortunately, but it should not be so.

We are here tonight to answer the question whether or not we will defend the economic interest of the United States and to defend the interest of American workers; and I think the best way to do that is to support this motion to recommit, and I would urge the House to do so when the vote comes later this evening.

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

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3579, and that I may include tabular and extraneous material.

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

There was no objection.

Mr. LIVINGSTON. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, regardless of one's position on the IMF, one should understand that this is simply a motion to instruct the conferees to adopt the position that has not been debated on the floor of this House. It seems to me that if we are going to instruct the conferees to do anything, we are on solid ground if we are instructing them to deal with issues that have been debated and sent forward.

But the fact is the IMF is an issue that will be debated at some later date on the floor of this House. It has not yet been debated, and forcing the conferees to support this provision dealing with the IMF simply because the Senate has dealt with it and the House has not is ill-advised.

Moreover, reading the motion to instruct, it says that we should support the terms, conditions and provisions of H.R. 3114, the bill reported by the Committee on Banking and Financial Services. That bill differs substantially from the IMF provisions contained in our Non-Emergency Supplemental bill. It may never get to the House. We do not know what is in that bill, and to force the conferees to support all of the terms and conditions of what I believe is about a 60-page bill and incorporate it I think is extremely ill-advised.

The House Committee on Appropriations and the leadership of this House decided on a two-bill strategy. The bill which the House passed that will be before a conference provides for emergency appropriations for Bosnian peacekeeping disaster relief, and other military assistance.

In fact, if we do not address this military assistance by May 1, we understand from the Secretary of Defense that he might give notice of furloughs for people all within the Defense Department. So there is an emergency with respect to defense appropriations.

And, obviously, we know from all the other disasters that have occurred around this country we need to provide additional assistance to people. We are trying to give them that relief and not get embroiled in a heavy discussion on IMF or any other extraneous issues.

The second bill, which has not come before the House, is a non-emergency bill that includes $17.9 billion for the International Monetary Fund. That bill has passed the Committee. I sent a letter to the Committee on Rules asking for an open rule for consideration of that bill, and I requested the leadership to schedule that legislation as soon as possible.

Some people say that that second bill will never see the light of day. They are wrong. The fact is that many other items in the second bill absolutely must pass. They have to pass. Things like the veterans compensation and pension benefits. Believe me, Mr. Speaker, there is going to be a second bill.

There is going to be a second bill, and we should not prejudge the outcome of that bill by instructing conferees to weigh the consequences of that bill before we even have a chance to debate the contents on the floor of the House. We are going to have a full and fair discussion of those issues at a later date on the floor of the House. We should not prejudge them by putting them prematurely into the conference. They are totally unrelated to emergency appropriations, and the emergency bill needs to move forward so we can meet the needs of the disaster-afflicted people throughout the country and the military, which has to replenish the monies that they have expended in Iraq and in Bosnia.

So I urge Members to defeat this motion to instruct. It is on the wrong bill. It will have a full and adequate debate but not on a motion to instruct. We need to get the disaster bill conferenced and on its way to the President for his signature.

Our troops in Bosnia and Iraq will get the money they need to do their job, nobody in the Defense Department will be furloughed, and our citizens and the victims of the disasters will get the money that they deserve.

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

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. LEACH), the distinguished chairman of the Committee on Banking and Financial Services.

Mr. LEACH. Mr. Speaker, I thank the gentleman for yielding.

First, let me acknowledge part of what my distinguished colleague and good friend, the gentleman from Louisiana (Mr. LIVINGSTON), said. This is not a perfect process, and I do not think that. I want to say to my distinguished friend that I appreciate very much the thoughtful attention his committee has given to this issue, and I am very much in his debt.

Having said that, I am hard-pressed not to support a product that comes from my committee, not only a product that comes from my committee but a product that has been caught up in some very unusual political kinds of pitfall debates that I think are not altogether central to the IMF issue.

So here let me just take a brief moment to talk about the IMF. The IMF, historically, was established in theory before the end of World War II and, in fact, right after the war to deal with the causes of war, the causes of depression.

□ 1800

The rationale for the creation of the IMF is very much alive today and is

symbolized in a circumstance in a part of the world that has fought three wars in the last 60 years.

It is in the interest of the United States of America to stabilize the economic turmoil in Asia. It is in the interest of the United States economy to stabilize the circumstance in Asia and ensure that it does not widen and deepen in terms of a gulf of economic recession spreading from one region of the world to another.

The word bailout is sometimes applied to the IMF. Actually, it is anything but. It is a lending, not aid-granting institution. It is an institution to which the United States proffers resources which amount to less than 20 percent of the total resources of the institution but resources which we have to call on on a very, very short notice, an institution that has almost $40 billion in gold reserves.

In a way, one might argue the IMF is the cheapest conceivable stabilizing institution in the world today. Rather than relying on the United States taxpayer alone and ways it could cause enormous liabilities of the United States, we are drawing on over 80 percent of the resources from others in ways using an institution that has a triple-A rating.

Finally, with regard to timing, I would also simply add that the longer we delay, the greater the likelihood that this problem deepens and widens. Delay is on the side of instability. Firm, direct, straightforward, prompt American action is on the side of stability.

For the sake of stability and for the sake of the United States economy, for the sake of United States' leadership in international affairs today, I would urge that, as awkward as this type of resolution is, that it be supported.

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

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, in addressing this issue, I think we ought to first ask ourselves who is the IMF. Well, the IMF functions like a private club. Its minutes are secret. They are never released to the public. Its votes are not a matter of public record. The people who work for the IMF do not pay income taxes; or, actually, they pay income taxes, but then the IMF reimburses them for those income taxes.

We are talking about funding the IMF and funding its operation. Hear me, we are talking about an organization whose employees receive reimbursement for their income taxes.

When their children want to go to private schools, that education is financed; and we will continue to finance that if we vote another $18 billion to the IMF. When their children want to go to a private university or college, the IMF will pay their full cost of education, tuition, books.

We are asking the U.S. taxpayers in this funding request to reimburse the employees of the IMF for income taxes, for private school costs, for tuition, and not only that, but for salaries higher than those paid by the U.S. Government.

We might say, well, is it worth it? What will the IMF do with our money? We have been told they are going to bail out Asia, but that is not true. They have already funded the bailouts of Asia.

They have $80 billion in reserve. They have $40 billion in gold reserve. Indonesia, who they loan money to, has $16 billion in reserves. What are they going to do? They are going to expand their role and continue to give loans to foreign countries at 4.5 percent interest when the going market rate is 10 to 14 percent.

I will tell my colleagues there is going to be an infinite supply of those lined up to get money subsidized by the U.S. taxpayer.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Speaker, I rise in strong support of this motion. Clearly, the United States has a vested interest in the funding of the International Monetary Fund. We have an interest because we can protect jobs, we can protect the economic interest of the companies which are exporting so much product to Asia.

When we look at my home State of California, nearly 30 percent of our exporting is going to Asia. It is clearly in our interest to restore confidence in that market, to provide greater financial certainty for our businesses which are exporting critical products.

It is also in the interest of the United States to provide IMF funding because it provides for greater international security. When we look at the potential consequences of a weakened South Korea, with their inability to deal responsibly with their financial crisis, we are on the verge of inviting potential conflict with North Korea, looking at perhaps a weakened neighbor to the south.

Failure also to provide funding could further undermine the fragile investor confidence in the region and set off another round of global economic insecurity. If we do not arrest the financial crisis in Asia, we are inviting this to expand to other parts of the world, be it Russia, be it Latin America, which would further undermine the economic interest of the United States.

Rejecting the IMF funding also threatens the leadership the United States is providing in the world, the leadership that we are providing in terms of providing economic stability as well as military stability.

Clearly, this motion to instruct the conferees will ensure that this Congress will be able to act in an expedited fashion to ensure that our interest will be protected.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, if I thought that the $18 billion which is being asked for would provide a benefit to the people of this country and to the people of Asia, I would be the first one out front voting for it.

The fact of the matter is that the Joint Economic Committee and others have been studying this issue since last summer, since this request came in, and that is simply not true. It is not true for a number of reasons.

The gentleman from Alabama (Mr. BACHUS) talked about the secret club that surrounds the IMF. We cannot find out what they do, why they do it, the results of the studies on what they have done, any of that. That is all secret.

Secondly, and more importantly, the average loan rate is 4.7 percent.

Let me ask you a question, Mr. Speaker. If you were a businessman and the IMF came along and said, if you make risky investments, which the foreign countries and institutions did, and you fail, which they did, I will give you a loan of 4.5 percent, how would that make your decision making, understanding that we have two criteria in making investments, one is to make a profit and the other is how much risk we have to involve when we do it?

Obviously, a low interest rate bailout loan on a policy of the organization that does it on a global basis is going to have a deleterious, negative effect on the kinds of investment decisions that are made.

Besides that, Mr. Speaker, I think there is another issue that needs to be discussed, and that is simply this: The IMF promotes higher taxes. The IMF promotes monetary instability. And here we are being asked today, after we have not even had a debate on this House floor, to vote $18 billion of American taxpayers' money that promotes, through an organization that promotes higher taxes, that promotes monetary instability. That has a deleterious effect on foreign economy that is not a positive one.

I vote no, and I hope everyone else will here today.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. LAFALCE).

Mr. LAFALCE. Mr. Speaker, I really think that passage of the IMF legislation is the most important economic issue confronting the Congress in the year 1998. If we do not pass it, I believe we would be defaulting on our global economic leadership. It is unthinkable for us not to pass it. We must participate within the IMF.

We must also participate in the legislative arena in a manner that will enable us to obtain a majority of votes.

That means we have to proceed collegially. We proceeded collegially within the House Committee on Banking and Financial Services. We proceeded in a way that was able to bring about a significant majority of Republicans and Democrats so that we were able to report the bill out by a vote of 40 to 9.

We recognize, of course, that there is significant criticism of the IMF and, therefore, we adopted amendments in a collegial, bipartisan manner to instruct the administration in the ways to reform the IMF. Those amendments are essential to obtain passage and to accomplish mutually desired goals. Support the motion to instruct.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding.

I rise proudly as a progressive, as an internationalist, as somebody who is pro-choice, and someone who has a 100 percent lifetime labor voting record in the House of Representatives and have worked for labor and working people for his whole adult life.

I rise in strong opposition to the motion brought forth by my good friend, the gentleman from Wisconsin (Mr. OBEY).

Let us be clear what we are talking about here. We are talking about an $18 billion replenishment of the IMF, a 45 percent increase in our contribution to the IMF.

Please understand the Asian bailout is over. The $19 billion that we have already given to the Chase Manhattan Bank and the BankAmerica and to Citibank for their losses, and they came here for corporate welfare, and we gave it to them, that is gone. That is over. What we are talking about is new money for a new mission and for an expansion of the function of the IMF. That is point number one.

Point number two, I believe it was last year that many people took to the floor of this House and they said, Mr. Speaker, you are wrong for combining disaster relief with other matters. I said so.

How could we come back today and say the IMF is a disaster? It is not. People all over this country want to deal with the ice storm in the Northeast, tornados, hurricanes. That is not an issue that the IMF should be combined with.

Thirdly, no matter what our point of view may be on the IMF, this issue needs serious debate. It should not be brought here all of a sudden for a one-hour debate. It deserves many hours, and it deserves some ample warning time so we can have serious discussion.

Fourthly, does the IMF need this money today? No, they do not. Nobody believes they do. The IMF has $45 billion now in liquid resources, a $25 billion credit line and $37,000 in gold reserves.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to a well-known reactionary, the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I am impressed by the gentleman's renewal of the Louisiana/Vermont alliance. Not since the war of 1812 has it been so vigorous, but I think it is wrong this time.

The gentleman from Vermont talked about the Asian bailout as if it was all about Chase Manhattan Bank. I happen to think that Kim Tae-chung, the President of South Korea, is one of the great, small d, democratic heroes of our era. I will guarantee to my colleagues that, if asked, he would express his appreciation for the role of the IMF.

This is a very courageous democrat, a man who risked his life for democracy. He was elected president. He is working with the unions. He is working to try and help his country. The IMF is very important to him.

We have a thug like Soeharto, and we are working to try and change IMF policies there. That is why this particular amendment is such a good one.

People have said, well, we should have debated this. Fine by me, but I have not been in control of the committee that kept it off the floor. We had a long debate and hearing in the Committee on Banking and Financial Services. This should have been on the floor before. We cannot keep it off the floor and then claim the benefit of it having been kept off the floor. We cannot shoot our parent and plead we are an orphan and ask for mercy. The people who controlled the House decided to keep it off the floor. That is why we are dealing with it now.

It has been talked about a great deal. This is a version of it that reflects the importance of it to places like South Korea and to Thailand which are trying hard to make improvements. It reflects the need for labor standards. We explicitly here, by the way, included strong protections for the agricultural sector of our economy. The bill was explicitly amended to recognize that.

This is not a perfect world. It is not a perfect institution or a perfect bill. It is as good an effort as we were able collegially to put together, working with agriculture and labor and others, to provide more funds. It is true, it is not absolutely necessary now, but I will tell my colleagues this: If, in fact, we know that the House is never going to vote for the IMF, then maybe we ought to buy some Korean and Thai currency and sell it short. Because it is going to have a negative effect if we walk away from this on decent, struggling governments from South Korea and Thailand that deserve some support. It is also in our own self-interest to support them.

□ 1815

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM) a member of the Committee on Appropriations.

Mr. CUNNINGHAM. Mr. Speaker, I understand those that may want to support the IMF, but if we look, economists themselves are split whether the IMF does any good or not. And then those that say even that they doubt that we need it to bail out southeast Asia. But yet $18 billion.

As my colleagues know, this body has wrestled with emergency flood, emergency El Nino, emergency supplemental for defense, and yet we are having to try to offset it so we do not break the budget caps through domestic spending. But yet we are going to give away $18 billion. Haiti, Somalia, Bosnia, $16 billion in operations that we get no credit for from the U.N., but yet there are those that want to give money to the U.N. in support, $16 billion, $18 billion, $5 billion more for the extension in Bosnia.

My colleagues, where does it stop? The American taxpayers have to pay for this. It is not our money. It is $18 billion, not even million dollars, and we are going to give it away, Mr. Speaker. That is wrong.

My colleagues rap on the Republicans all the time for having to offset money. We want to break the budget caps, we want to spend more money. Well, it is easy to spend it but it is difficult to go to the taxpayers and ask them to pay for it, and then even more difficult to say where are we going to take it out and still not break the budget caps? Alan Greenspan said if we do, interest rates will go back up, the economy is going to go to hell, and it just does not work.

But yet here they are asking us again to spend, to spend, to spend, bigger government, higher taxes, spend money. It is the same old rhetoric, and I do not support it, and I do not think the American people do, Mr. Speaker.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Speaker, I want to stress again, when this bill passed the committee it passed by a vote of 40 to 9. Two-thirds of the Republican members of the committee voted in favor of this bill. Now, why? Not because we are giving money to foreigners, not because we are bailing out banks, but because we are concerned about jobs here at home.

I speak from New Jersey, representative of export-oriented States, and I can see many around here who understand the agricultural community and their dependence on this kind of trade situation. That is why it passed with an overwhelming majority.

I also want to say, and this has not been stressed enough, that we have in this bill, and it is included in the motion to instruct, certain reforms that

are passed. We acknowledge the transparency and conditionality questions related to IMF. Those reforms are here. We will be requiring certain things of the countries that receive this aid. We will be putting more requirements on IMF in terms of the transparency, we acknowledge that. But, my friends, this is about jobs here at home and also security abroad.

The House Banking Bill contains strong language on Conditionality and making the IMF more Accountable to Congress.

The bill includes:

Accountability. I think the American people should know what the IMF is doing with the money they have. Not surprisingly previous Congresses thought that an audit of IMF lending activity was an important issue. The National Advisory Counsel—of which the Secretary of the Treasury is the chairman—is required to report annually by April 1 to the Congress regarding IMF loans. I was shocked to find out that the most recent annual report filed by the Treasury covers 1992—and this was transmitted to Congress in December of 1997!

The Banking bill will require the Secretary of the Treasury to provide a semi-annual report to the Congress on certain IMF loans.

The report would be a GAO "audit" of IMF loans—the amount, term, interest rate, disbursement schedule, etc. In addition, the report will include information regarding trade barriers in borrowing countries which may affect U.S. exporters as well as borrower country export promotion policies which may result in dumping of foreign goods in the United States. And importantly, the Secretary of the Treasury would be required to testify annually before the Congress on the contents of such report.

Let there be no mistake, I support full funding of the IMF—but Congress needs to be informed and there needs to be accountability at the Treasury Department. Being 5 years behind in providing required reports is nothing short of outrageous and an insult to the legislative branch. It is for this reason that I will sponsor an amendment today. I urge my colleagues on the Banking Committee to join me in supporting the Treasury Audit and Accountability Amendment.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. KLINK).

Mr. KLINK. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, you are right, the House should not consider IMF funding just an hour before we all get on board planes to head toward home. We should have a full debate on this issue.

Let me just give my colleagues one example of why we should be discussing this. The IMF is working on an amendment to its Articles of Agreement that would give the IMF the power to require all member countries to liberalize their laws regarding the flow of capital accounts. They would be the ultimate enforcer of capital deregulation. All member countries, including the United States, would be told by the IMF what they could and could not do regarding the flow of capital.

If my colleagues want some international bureaucrat to make that decision instead of the elected Members of Congress, then we should pass this motion. I think that there are some people probably who may disagree with me. The point is, we have not had a chance to study this issue, we have not had a chance to debate this issue. We are asked to come here at the end of a work week, after a two-week hiatus, and take up a very complex issue. And I think that the Members of this Congress deserve more, the people of this Nation need more, and whatever Members think about the MAI or the IMF, the one thing that they should know is that we should be making this decision after we study it and after we debate it.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California (Ms. PELOSI).

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

This evening we had a special opportunity in this House of Representatives, and that is to accept a motion to instruct for a resolution that has strong bipartisan support in its committee of jurisdiction. Many others have said it passed 40 to 9 with the support of the Chair, the gentleman from Iowa (Mr. LEACH) and the ranking member, the gentleman from New York (Mr. LAFALCE).

It has a framework to address many of the concerns our colleagues have about the IMF, and frankly that I share, about the need for increased transparency, for conditionality that includes labor rights and environmental protections, and the moral hazard issue of do countries' financial institutions take risks unduly because they think there is an IMF bailout. This resolution, this provides the framework to increase that, and all of those concerns are trumped by the contagion clause. Contagion, that is the spread of what will happen to the currencies in these countries, will have a terrible impact on workers in the United States.

Mr. Speaker, I want to make one point very, very clearly. This is not a bailout, it is a loan. We get a credit, an asset for it. We are not bailing out, we are not giving money away. We are honoring our commitment. Even the staunchest critics of IMF say we need to do this replenishment now and then proceed with the reforms.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the very distinguished gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, we should be debating this. I should have more than 1 minute, and I am not complaining to the gentleman from Louisiana (Mr. LIVINGSTON). It is a travesty to have this debate so that DANA ROHRABACHER has 1 minute to express himself on this issue. And the same with the rest of my colleagues. When are we going to stand up for our own rights in this body?

Here we have the violation of the rights of our people to control their destiny, taken away from them by $18 billion and given to some crook or some nincompoop overseas who has basically driven their own financial institutions into bankruptcy, and we cannot debate it for more than an hour. This is ridiculous, and it is as ridiculous as the idea of bailing out the IMF in the first place.

I just returned from Asia. There are alternatives in Asia to this bailout. And yet if we force our money over there in this IMF bailout, it will undercut the private efforts in that area to bail out their own problems. And what do they do with this money, this $18 billion and the other money going over to Asia? It is used to finance factories that put out goods and services that put our own people out of work.

It is immoral for us to give this money to foreigners after we have cut programs at home. We should not be bailing out the IMF, we should be balancing our budget. And we should have a longer debate.

Mr. LIVINGSTON. Mr. Speaker, I yield unfortunately just 1 minute to the gentleman from New York (Mr. SOLOMON) my good friend, the very distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I say to the gentleman if this were here under a rule we would have several hours to debate this and not several minutes.

As my colleagues know, in the other body they are debating, my colleagues, the NATO expansion bill over there for Poland, Hungary and the Czech Republic, and we have asked them to beef up their military so that they can interoperate and communicate with our military to defend each others' boundaries. We are asking them to pay their fair share.

Here the IMF is already warning these 3 countries they will not underwrite economic development loans if the countries start jacking up the military budgets. That could cost us $19 billion over the next 15 years. What is going wrong?

We should go slow on this, we should ask the IMF, the socialist French economist who is in charge of it, to come here and tell us why he is going against American foreign policy. We are footing most of the bill; why do they not listen to us?

This is going nowhere and we are going to see to it.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. COX) the chairman of the Policy Committee of the Republican Conference.

Mr. COX of California. Mr. Speaker, I thank the gentleman for yielding this time to me.

I would like to focus our attention on precisely where we are. We are being asked to increase the United States' commitment to the International Monetary Fund by 45 percent over the longstanding level of U.S. support. We are being asked to add $18 billion to our commitment. Which works out, incidentally, to over $150 for every single working taxpayer in America. Can my colleagues imagine calling them up and asking for the money and telling them we only have time to debate this for an hour because it is not in the bill? We are adding it on the floor at the last minute.

It has been pointed out here that the IMF needs some reform. We have got to exercise some leverage, even if we were going to give $18 billion to the IMF, if we want those reforms. But if we simply sign on at the last minute without any questions, there will not be any reforms.

This proposal hurts American agriculture because the IMF, as is well known, is going to continue its policy of supporting devaluations which hurt our market for exports. This hurts U.S. exporters. Without question, the IMF causes as many problems as it creates. This deserves real debate, has not anything to do with our El Niño storms, which is what this bill is supposed to be about. Keep it out.

□ 1830

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

Mr. Speaker, it ought to be understood that we are not limited in debate today because of our choosing. We are limited in debate because we were denied the opportunity on the rule when this bill was considered to have a full-fledged debate on the IMF. We asked for that opportunity. Every person who voted against us on the rule has the responsibility for the fact that we are limited only to one hour tonight. Do not blame us for the problem which you yourself created.

Mr. LIVINGSTON. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Texas (Mr. DELAY), the great whip of the majority party.

Mr. DELAY. Mr. Speaker, I thank the chairman for all his hard work, and I appreciate being yielded this time.

Mr. Speaker, I rise in opposition to the motion to instruct. The question today, frankly, is not whether you support the IMF. We will answer that question in due time. Instead, we have to ask whether this motion will speed up disaster assistance to the American people, or slow that assistance down.

Clearly, if we pass this motion to instruct conferees, we will complicate the process of getting needed assistance to Americans who have faced disasters in the last year.

When it comes to the IMF, many of us continue to have strongly held and competing opinions. Why would one want to mix that kind of understanding and confusion?

Some believe that we should give more money to the IMF, no matter what the consequences. Others of us believe that the IMF is all too often not the solution, but rather the problem. Still others have opinions that fall somewhere in the middle.

We all agree, however, that we should do our best to help Americans who have suffered from natural disasters. We also should all agree that our Armed Forces need the necessary funds to sustain them overseas.

Mr. Chairman, I just urge my colleagues to keep the process as simple as possible. Let us vote against this motion to instruct, and let us make sure that the American people are taken care of first.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, a few weeks ago, not too long ago, several of us met with Mr. Greenspan, Mr. Rubin, and Mr. Glickman, and we had quite a good meeting. They agreed, and Rubin and Greenspan do not always agree on everything, but they agreed that day IMF is very, very important to us. I think the question came from at least a half a dozen different approaches, and some of you may have been there, too.

Is there risk in this? Mr. Greenspan said that we have never lost a dime on this; that there is always hard collateral. They also said that it is their opinion, the three of them, that the hit on this, if the Asian economy does go down, would be on agriculture.

In our State, 40 percent of our production is exported. That is important. Forty percent. Then I remembered as I reviewed the figures on the trade balance that it is up $26–$27 billion, but that agriculture is on the plus side. We cannot afford to take that risk.

Now, if these people tell us that this is a line of credit, that they may not use it, but it ought to be there to save our economy, we ought to give it serious thought.

Mr. Speaker, I support this.

Mr. LIVINGSTON. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I am urging my colleagues to vote no on the motion to instruct. Congress gives instructions to the IMF. There has been over 2,000 opportunities for the IMF to listen to the concerns of the American people, and each time the people have been ignored. As a matter of fact, the Executive Director of the IMF has only voted 12 of those 2,000 times.

They have been "absent without leave" at the IMF. Over and over they have ignored the will of the people and the will of the Congress. AWOL on labor rights, AWOL on environmental rights, AWOL on human rights.

So we are now going to tell this Congress that they are going to guarantee labor and environmental rights? That is baloney. Vote against the IMF, vote against the motion to instruct, and vote to stand up to this international financial cartel, which is destructive of jobs and human rights all over this world.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I rise in support of the Obey motion to instruct. The fact is that the money is already in the Senate bill. The question is, are we going to give them any guidance, any further guidance, on how to use it?

So the IMF wants what every bureaucracy wants, all the money and all the flexibility they can get. We are limiting them. The fact is there is an urgency to the passage of this money. There are 62 nations out of 183 that have loans, 183 Members of the IMF that have loans. It is obvious with the recessions or lack of growth in the European and Asian marketplaces that that does constitute the opportunity for our markets in terms of trade.

This is a fight really about those of us that are really wanting to have a free market and free trade to occur. We have a battle going on right now in terms of those markets. If the American model and the model of free markets does not work, and it is going to fail, we have to have mechanisms in place that can prevent it from going down to ground zero. That is what the IMF does.

All of us admit the IMF is not perfect, but what other tool do you have to go to? If you are in the middle of the ocean facing a storm, I do not think the idea to jump overboard and start swimming is a good one. That is what the Members of this Congress are proposing to do.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I thank the distinguished Chairman of the Committee on Appropriations for yielding me this time.

Mr. Speaker, I rise in strong opposition to the motion to instruct conferees to provide funding to the fiscally unsound IMF.

Mr. Speaker, for a moment let us consider a conversation down in my district with Alice and John Moore. If Bob Newhart could do this, he could do a much better job than I am going to do.

I knock on the door and I say, "Hello, Alice and John. I am your Congressman. Tonight I am going to vote to fund the IMF."

They say, "What is the IMF?"

I say, "This is an international fund, not from the United States, that is

going to take your tax dollars and give it to Indonesia, South Korea, Thailand and others to help bail them out."

They say, "Mr. Stearns, you are my Congressman. Why are you doing this?"

"Well, let me tell you, there is an elite group in Congress, in the Senate, particularly down at the White House, who thinks they can spend your money overseas with these countries."

"Why haven't these countries taken care of themselves?" This is Alice talking about her and her two daughters, and she is talking also about John, his paying the bills. She is saying if I can take care of my family, if I can take care of my bills, why can't Indonesia, South Korea and these others take care of theirs?

"The bottom line, there is a little group in Washington that thinks we need to tax you higher so we can pay the IMF."

Vote against this motion.

Mr. Speaker. I rise in strong opposition to the Motion to Instruct Conferees to provide full funding to the fiscally unsound International Monetary Fund and to provide the fiscally irresponsible United Nations with alleged arrearages owed by our nation.

This Motion to instruct is being offered under the guise of an Emergency Supplemental Appropriation.

Let me be clear. The International Monetary Fund is not currently suffering an emergency. The money that has been pledged by the IMF to Indonesia, Thailand, and South Korea to combat their fiscal crisis is already provided.

Let me reiterate that point. By denying this Motion to Instruct and by denying any IMF money as part of a Supplemental Appropriation we will not harm the ongoing financial bailout of these Asian nations.

The IMF and its proponents scream that they cannot handle a crisis and that the IMF immediately needs $18 billion from the American taxpayer. How ludicrous.

Since the financial crisis started in Asia in the Summer of 1997, there has been no other financial crisis that required the assistance of the IMF. In fact, the economic situation has settled down in East Asia and there is the beginnings of an economic recovery.

The IMF has, right now, more than $75 billion to combat financial crises. The IMF has an estimated $50 billion in reserve right now in addition to $25 billion in an emergency account. On top of all that, the IMF will receive $28 billion in loan payments from other borrowing nations to the IMF by the end of the Year 2000.

With all that said, by the end of 2000, the IMF will have over $100 billion in reserve for their uses. Plus, these Asian nations will be paying back the $120 billion that they have borrowed from the IMF in the last few months.

Is a $200 billion IMF reserve fund not enough? This attempt to increase the IMF quota is not to deal with any emergencies, but is a naked attempt to expand bureaucracy and the scope of the IMF.

The IMF wants to play a dominant role in the world's economic policies, not simply aid nations in distress. The IMF has even tried to tell the United States what its economic policies ought to be.

The IMF is so arrogant that they still refuse to give Congress documents that we have requested over and over again that will give us more detail about how poor the IMF's policies are.

I urge my colleagues to soundly defeat this Motion.

Mr. OBEY. Mr. Speaker, I yield 30 seconds to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, in my 30 seconds, let me say I rise in strong support of this motion. I regret having to support this procedure, but in spite of my great respect for my chairman of the Committee on Appropriations, the gentleman from Louisiana (Mr. LIVINGSTON) and for his fairness, there is no way we can get this issue of funding for the IMF on the floor as a clean debate, where we vote up or down on IMF funding, without unrelated issues that constitute legislating on appropriations bills, which is against our rules, but has been allowed in regard to this issue.

Mr. Speaker, I strongly support IMF funding. It is definitely jobs in my district. This House bailed out the S&L's because we knew we had to minimize the damage, so we need to involve ourselves in this loan program to contain the Asian problem.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Speaker, I rise in strong objection to this motion. This should be a very easy vote for all of us; we should all vote no. They already have $35 billion of our money. They want $18 billion more. That is $53 billion.

Think about it. Some of you would like to spend that on the military, on national defense. That would not be too bad an idea. Others might want to spend it on domestic welfare programs. This would be a better idea than bailing out rich bankers and foreign governments. Besides, there are some of us who would like to give the $53 billion back to the American people and lower their taxes. But to give them another $18 billion does not make any sense.

Then to come to us and say it will not cost the taxpayers any money is absurd. Why do they come here and try to sneak through this appropriation with a parliamentary trick, if it is not going to cost the taxpayers any money? Certainly it is going to cost the taxpayers money. It adds to the national debt, and we have to pay interest on the national debt. This is a cost.

Now, the Director of the IMF had an interesting proposal. He said this will not cost us anything because it is coming out of the Central Bank.

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

Mr. STENHOLM. Mr. Speaker, these elite groups that we heard talked about a moment ago that are sneaking this through include the American Farm Bureau Federation, Dairy Farmers of America, National Cattlemen's Beef Association and, U.S. Wheat Associates.

To all of these who have suggested that we are spending taxpayer money, you are not reading the facts. You know better than to stand here in the well and tell our colleagues who are not here that we are going to be appropriating this money, when we have not appropriated one penny in the history of the IMF.

Why are we here for the IMF? Because it is in America's best interests. It has been ever since we have had the IMF, and it is today.

To those who want the reforms, I agree with you on that. And let us look at the Wall Street Journal of April 10. "IMF moves are expected to force open markets." We are doing all of the things that critics who usually we agree on are saying we need to do, but the only way we can get it done is to bring this bill and have this action done.

If we had not had this in place, we could not have had GSM-102 funding for agriculture that has been very successful in building up markets.

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

Mr. STENHOLM. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Speaker, does the gentleman think money grows on trees? Where does the IMF get the money, if Congress does not give it to them? Why are we voting on this tonight, if the gentleman does not think we are going to appropriate? Could the gentleman explain that?

Mr. STENHOLM. Mr. Speaker, reclaiming my time, these are loan funds. When loan funds are granted and paid back, there is no loss to the taxpayers of America. The gentleman knows this and I know this.

Mr. STEARNS. The money is guaranteed by the taxpayers of this country, and the money is given to them.

Mr. STENHOLM. "Guaranteed" is correct. But the bottom line is, is it a good investment and for whom is it a good investment? It is a good investment for American agriculture. And to those who continue to drag your feet and say we could not even bring this bill up and consider it, to those who continue to do that, you are in danger of doing irreparable harm to the American farmer and rancher, because we depend upon world trade, and we are a part of a 182-nation group that is attempting to have organized trade.

For us to continue to drag our feet can do irreparable harm to the American farmer, and when you vote no on this, understand that.

Mr. LIVINGSTON. Mr. Speaker, I am happy to yield 1 minute to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, this bill is to provide supplemental emergency aid. I thought it was to provide supplemental emergency aid to the Southeast United States of America, not Southeast Asia. I thought it was to provide emergency aid for American citizens, not for foreign citizens.

Leave this bill alone. We were elected to the Congress of the United States, not to the Council of the United Nations. If the International Monetary Fund is worthy, the International Monetary Fund should stand on its own merit, not on the backs of American victims of great disasters which brings us to the floor about this bill.

This is about emergency aid for American families, for victims of great disasters. Leave the bill alone. If you want to do something about the IMF, bring it up; let it stand on its own merits.

Quite frankly, I think we are too international around here, and we should be taking care of the Midwest a hell of a lot more than we take care of these countries overseas.

Mr. OBEY. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, this bill does not spend $18 billion, it will not cost $150 to the taxpayers. What will cost the American taxpayer is chaos in Asia. The IMF has made mistakes, but more often than not, it led to liberalization of trade. Look at Poland, Estonia, Uganda and Egypt.

Globalization is changing. For the first time, we have a bill that says an international institution has to pay attention to labor market conditions and the environment. Vote for this instruction.

Mr. LIVINGSTON. Mr. Speaker, I am pleased to yield 2½ minutes to the distinguished gentleman from Texas (Mr. ARMEY), the Majority Leader of the House.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, what is this IMF that wants $18 billion of our money? Where did they come from and what do they do? I am shocked and appalled at how little we know about the IMF. We know a little bit about its history, but we do not know a thing about how it does business.

We have an international financial institution that purports to manage international markets and commerce, has failed in its originally intended mission, and now intends to self-describe a new mission so that it can become an international deposit insurance corporation.

It is run by a French Keynesian, who operates the agency at such levels of secrecy that we have no idea how they come by the decisions. It is alleged by many fine scholars to have been the agency that caused the Asian flu first by forcing the Thais to devalue their currency. It seems to have a consistent track record of opposing tax decreases and requiring tax increases.

Now, even for a Keynesian, you have got it backwards. This is the taxpayers' hard-earned dollars. We are being asked by this agency, that operates in secrecy, "Give us the money, or more catastrophe will come." Many fine scholars believe that the catastrophe we have called the Asian flu was, in fact, created by the IMF.

□ 1845

There is an old adage in economics, Mr. Speaker: When the government assumes the risk, nobody assumes the risk. If we have an agency out there with taxpayers' dollars, that sends a message out, Mr. and Mrs. International Investor, irrespective of the denominations in which you will make risky, careless decisions, do not worry about it. We will be there with a bailout, decisions made in countries that practice the worst kinds of failed crony capitalism. No, we need to study this issue. We need to understand this.

I understand that there are industries and sectors of the American economy that feel they themselves are at risk. But will they, in fact, not put their own industries, agriculture, even, at worse risk if, in fact, the IMF is indeed the perpetrator and not the savior in international crises? We need to understand this. They need to come clean.

They need to be willing to tell us who they are, how they do business, how decisions are made, by what criteria, on what empirical data, and through what historical precedents they base their judgments. They have a failed track record. They are not a good bet.

If I were to take $18 of my own money out and bet it on a racehorse, I would not bet it on one that I had observed consistently running the wrong way in the dark of night. No, I would bet it on a racehorse that was running the right way and winning the race.

Members are asking me to bet $18 billion of the taxpayers' money. I am telling the Members, they are asking me to bet on a blind racehorse going the wrong way and dragging too many others with it. I need to know more. It is our duty to know more. If we do not see it as our constitutional duty, let us see it as a matter of the basic, fundamental dignity and integrity of the House of Representatives.

Members could not come to me today through any agency of the American government, working on behalf of the American people immediately and directly, and say, give them $18 billion, no strings attached, no questions asked. We would certainly laugh them out of the body. Why would we do that for an international agency that refuses to reform and refuses to even tell us how they do business?

Certainly, they are a grand institution. Certainly, they are wrapped in wonderful, international mystique. But because they are mysterious, is that the reason to give them more money more easily, with less consideration than we would give even an agency of our own government? No.

The answer is, vote no. We will discuss this at greater length later. We will hold the hearings. We will understand it later better. It just very well may be that we conclude, after thorough, full, complete understanding that we ought not to bet on this blind horse at any time.

Mr. OBEY. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, with all due respect to my colleague from Texas, in the debate I have heard today there are a great deal of Members here who in fact do not understand the IMF and do not understand the situation, but the fact is this. I am not going to get into the details, because I don't have enough time, but if we wanted to, we did not have to take 3 weeks off over the Easter recess. We could have passed the supplemental with the disaster relief. We could have done the work on this. We could have taken several hours and debated the IMF. But the leadership chose not to do that.

We are all paid the same, and we are all here to work. We have important issues we have to deal with. The IMF is a very important issue. If the United States fails to act on this in what is a liquidity facility, the rest of the world will see it, the markets will see it, and the markets will be very efficient in how they will treat it, and we will see what will happen to the East Asian economies and the effect on the American economy.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR), the distinguished Minority Whip.

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding time to me.

Mr. Speaker, I share some of the concerns that have been expressed on this floor this evening. I would not be in this well today to support a bill that endorsed the status quo. This bill is about reform. This vote is about reform.

I want to commend the gentleman from Iowa (Mr. LEACH), the gentleman from New York (Mr. LAFALCE), and the Committee on Banking and Financial Services, who in an overwhelming vote, 40 to 9, endorsed the first major revisions and reform of the International Monetary Fund.

They put for the first time in 50 years working men and women at the table. They put for the first time the concerns of our fragile Earth at the table. They did this in a responsible way. I would have liked more, but I think they did the right thing, and they moved things forward in a responsible way.

Mr. Speaker, this bill sets labor standards and environmental standards and accountability standards and transparency for the IMF in a way that we have never seen before. It will, Mr. Speaker, for the first time, allow people to assemble, to organize, to bargain collectively. It will take on sweatshops and child labor. It will do the things that we all talk about around here, but we have not been able to accomplish through these lending institutions.

So I say to my friends, this is a good bill. Not only will it do it, it will set up a watchdog group, including representatives from business, from labor, from agriculture, and from NGO groups to watch what they are doing and to report back to the public. It will require our Secretary of the Treasury to meet on a regular basis defined in the bill with different groups and issue a report card on how we are doing in these areas.

It is a good piece of legislation. I urge my colleagues to vote yes on the motion to recommit, so we can begin the process of changing how we do business in this world. The world is a different place. These international organizations must reform to the reality of a different place. This bill helps do it.

Mr. LIVINGSTON. Mr. Speaker, I am pleased to yield the balance of my time to the very distinguished Speaker of the House, the gentleman from Georgia (Mr. GINGRICH).

Mr. GINGRICH. Mr. Speaker, I thank very much my friend, the gentleman from Louisiana, for yielding time to me.

Mr. Speaker, let me say that I rise first to point out that the bill which we are actually going to conference on is, in fact, an important, urgent bill. In my State, for example, where we have had significant tornado damage, and my friends from Alabama, who can report on their tornado damage, Tennessee, other places around the country, where there are real problems, we are trying to get the aid to the Federal Emergency Management Administration. That is urgent.

The Secretary of Defense has indicated if we do not get this bill finished and to the President before May 1, that he will have to begin to initiate laying off personnel, laying off contracts, cutting off training. That is urgent. So this is an important supplemental bill that is urgent.

The Committee on Appropriations reported out a second bill, a bill which is not quite on as fast a track, but which will in fact be considered by the House. But I cannot help but draw to the House's attention who has been lecturing us today on international trade: Members who voted against NAFTA, Members who were prepared to vote against fast track, Members who have made a career out of protectionism, Members who are dedicated to not being part of the world market.

They now get up to lecture us, those of us who voted for NAFTA, those of us who supported fast track, those of us who actually believe in the world market, and we are to be told, rush this thing through; make sure that you get $24 billion or $18 billion down to the International Monetary Fund, or whatever number the Secretary of the Treasury sends up. Do not look at it. Do not ask questions about it. Do not explore it. Send the money. Because after all, it is only money.

Now, I believe we have an obligation to the people of America to look critically at the International Monetary Fund. Former Secretary of the Treasury Bill Simon has said, abolish it, it is obsolete. He happens to be a man who has made a great deal of money in international trade. But ignore him for a moment.

Former Secretary of State, former Secretary of the Treasury, former Secretary of Commerce, former Secretary of Labor, this is all the same person, George Schultz at Stanford University, one of the most respected international figures in American government history, has said, abolish it, it is obsolete, it no longer serves a function. When Bretton Woods died, it died. It is a large, expensive bureaucracy finding a new excuse to mess things up.

But we are not suggesting that we abolish it. We are suggesting we ask some questions. For example, the International Monetary Fund is consistently wrong. There is a very significant report that says it is the IMF which caused the bank crisis in Indonesia. There is a significant study which says it is the IMF which caused Thailand first to quit fixing its money, then to float its money, and then to suffer from an economic disaster. We know from Latin America it is routine for the International Monetary Fund to go in and say, raise taxes; take care of the international banks, but raise taxes.

Let us talk about the crisis in banking. Two major U.S. banks reported yesterday that they had had record profits. None of the big banks are suffering out of Indonesia. They have made their money. They are not suffering out of South Korea. But what does the International Monetary Fund answer? Raise taxes on the working poor.

I hear people come to this floor who claim they represent the workers, who say they are for an international bank institution that is totally secret, that is run by a bureaucrat whose major policy is to raise taxes on workers in the Third World to pay off New York banks. That does not sound like populism to me.

But let me go a step further. We were told at Thanksgiving, I got the phone calls, big crisis in Asia, everything is going to collapse by Christmas. We were told at Christmas, big crisis in Asia, everything is going to collapse by mid January. We were told in January, big crisis, might even lead to a war in Korea. We were told in February, big crisis, could be bad by March.

But do Members know what we were told, over and over? Japan is not the problem, because all of Japan's debt is denominated in yen, and the Japanese can cope with it, and they have $270 billion in reserve. Do Members know what the statement was this week? We have to have this money for Japan; which is, by the way, intellectually nonsense, because the IMF does not have enough money to deal with Japan.

So what is really at stake here? We believe, on behalf of the taxpayers, that we have the right as the Congress to ask some very tough questions of a multi-billion dollar bureaucratic institution that is totally secret.

I will start with question number one: If they think tax increases are so good, how come no staff member of the IMF pays any taxes anywhere in the world? They do not pay taxes in the U.S., and they do not pay taxes in their home country. So the French leader of the IMF pays no taxes in socialist France while advocating tax increases. Maybe if the IMF staff paid taxes, they would not be as excited about tax increases.

Let me give just one quick example of how out of touch with reality the IMF is. This is their annual report for 1997 in which they recommend that we not have tax cuts because they are worried that the budget will not be balanced. This is their annual report leading into this year.

Now, we are the most transparent Nation in the world. There is more information available about us than any other country. We are going to have a surplus this year of somewhere between $18 billion, the inaccurate low and defensive Congressional Budget Office number, because they are like the IMF, they are bureaucrats, and the free market estimate of $50 to $80 billion.

If the IMF is wrong about the surplus of the United States of America, when it is headquartered in Washington, could it be possible that their bureaucrats do not have a clue about how the modern, instantaneous real-time worldwide money markets work, and could it be possible that their advice is consistently wrong?

They said as late as July 28, 1997, that, "Many directors also indicated that a faster pace of fiscal consolidation by bringing forward spending cuts and delaying tax cuts than that envisioned in the balanced budget agreement would help to contain demand pressures and enhance the plan's credibility, as well as increase the latitude for countercyclical fiscal policy."

What does that mean? It means as late as July last year, when we were bringing the budget agreement to the floor, they were against tax cuts, they

were for deeper spending cuts. They did not have a clue about the politics of the country their headquarters is in, and their policy was exactly backwards.

□ 1900

It was a big tax increase, big government, socialized policy.

So here is my proposition. We have several hearings coming up. The Joint Economic Committee under Chairman SAXTON will be holding hearings. Former Secretary George Schultz has agreed to come and testify. Others will be asked to testify. I am certain our friends on the left who would like to have more taxes and bigger bureaucracy will have a chance to come and testify.

When we have finished the hearings and we are prepared to have appropriate requirements to get transparency and accountability out of the International Monetary Fund, we will bring an appropriate bill to the floor this year in the appropriate way.

But for my friends who are protectionists, who opposed NAFTA and who opposed Fast Track, to come to the floor and lecture the rest of us on the world market and demand that we move in ignorance now, before we can learn anything, I think is highly inappropriate.

I hope every Member will vote this down on behalf of defending the American taxpayer, so we can get an effective IMF program that in fact truly helps American agriculture and truly helps American exporters.

Mr. OBEY. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, I would simply say to the distinguished Speaker, those of us who voted against NAFTA and Fast Track want to be involved in the world market, but in ways that are fair to workers and not just investors and CEOs.

Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Missouri (Mr. GEPHARDT), the minority leader.

Mr. GEPHARDT. Mr. Speaker, I urge Members to vote for this motion to instruct. I obviously reject the Speaker's categorization of some of us as protectionists. I voted for Fast Track when George Bush was President. I voted for the WTO. I stand ready to vote for Fast Track for President Clinton if we can have the proper provisions to recognize the rights and the needs of workers and the environment. I was ready to vote for a NAFTA that had sufficient teeth in the side agreements.

To refresh everybody's memory, it was not long ago that the Speaker and I were called to the White House with then Majority Leader Dole and Mr. DASCHLE, and the President and Bob Rubin and Allen Greenspan told us that there was a crash happening in Mexico, this was after NAFTA was passed, and that we needed to replenish funds for the IMF so that Mexico could be bailed out.

We all said that we thought it was necessary to do that because there was no good for America in Mexico going bankrupt. But after we came back to the House and consulted on both sides of the aisle, we found there was not a good deal of support for doing that. And so the President, using a Justice Department opinion, decided to go ahead with that loan.

One of the reasons they felt it was important to do that was because while Mexico was going down, something was happening that none of them had ever seen before. That was, developing countries' economies all over the world, Thailand, Indonesia, were going down.

Mr. Speaker, we are in a new world. And in that new world, technology has put us at a point where when one developing country has a horrible problem it begins to invade the economies of all the developing countries in the world. I believe the President did the right thing in using the IMF and Treasury funds to do something to help Mexico. As a result of that, the problem was stemmed across the world. Mexico is paying that loan off. In fact, most of it is already paid off with interest.

The problem we face now is greater than the problem we faced with Mexico because it is not just one country that is experiencing trouble, it is six or seven or eight in Asia.

Now, the Speaker says there is no rush and that he thought people were kind of overstating the problem a few months ago. Well, I do not think they were overstating the problem. But they were able, because they had funds available to commit, to go to these countries and to keep them from going into bankruptcy. So because of the existence of the IMF and the ability to do this, we have avoided tremendous problems.

There is no good for any worker or any business in the United States to have any of these countries fail. Even with that in place, they may fail. And when we criticize the IMF, and I am sure there is a lot to criticize, I think we have to keep in our mind a little bit of humility about what is going on here. Let us face it, nobody at the IMF, nobody at Treasury, nobody at the World Bank, and I dare say nobody in the world really knows how to do what we are trying to do.

We are literally trying to build a new architecture in our world for world trade. The truth is crony capitalism is not consistent with capitalism. And I now believe we cannot really have capitalism unless we ultimately have democracy and human rights. But we also know we cannot get those things to be achieved overnight, and so we have got to have a little bit of humility about what we know will work and what can bring these countries back to economic health.

Mr. Speaker, it is great to have a pledge that we may get to vote on this before the year is out. We could wake up tomorrow morning or next month or the month after that and be in a world of trouble. The IMF, the truth is, does not have the ability to deal with these problems now. We have a chance tonight to vote to instruct the conferees to try to pull some of this funding into this bill. We may be sorry, we all may be sorry, if this bill does not contain the monies that the IMF needs.

This is an important moment. None of us will like a world that is in free fall, and it will be in free fall very quickly if they cannot move and act to stem problems that we have never seen before in the history of the world.

I ask Members and beseech Members to act responsibly tonight and vote "yes" for this motion to instruct, so we have a chance to bring to this bill the kind of funding that it needs for the good of the world.

The SPEAKER pro tempore (Mr. SNOWBARGER). All time has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 186, noes 222, not voting 24, as follows:

[Roll No. 109]

AYES—186

Abercrombie	DeGette	Hooley
Ackerman	Delahunt	Houghton
Allen	DeLauro	Hoyer
Andrews	Deutsch	Jackson (IL)
Baesler	Dicks	Jackson-Lee (TX)
Baldacci	Dingell	John
Barrett (NE)	Doggett	Johnson (CT)
Barrett (WI)	Dooley	Johnson (WI)
Becerra	Edwards	Johnson, E. B.
Bentsen	Engel	Kanjorski
Bereuter	Eshoo	Kennedy (MA)
Berman	Etheridge	Kennedy (RI)
Blagojevich	Farr	Kennelly
Blumenauer	Fawell	Kildee
Bonior	Fazio	Kilpatrick
Borski	Ford	Kind (WI)
Boswell	Frank (MA)	Kleczka
Boucher	Frost	Kolbe
Boyd	Furse	LaFalce
Brown (CA)	Gejdenson	LaHood
Brown (FL)	Gephardt	Lampson
Capps	Gilchrest	Lantos
Cardin	Gilman	Latham
Castle	Gordon	LaTourette
Christensen	Green	Lazio
Clayton	Gutierrez	Leach
Clement	Hall (OH)	Lee
Clyburn	Hamilton	Levin
Coyne	Harman	Lewis (GA)
Cramer	Hefner	Lofgren
Cummings	Hilliard	Lowey
Davis (FL)	Hinchey	Luther
Davis (IL)	Hinojosa	Maloney (CT)
Davis (VA)	Holden	

Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Minge
Mink
Moakley
Moran (VA)
Murtha
Nadler
Neal
Ney
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sánchez
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stenholm
Stokes
Stupak
Tauscher
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

NOES—222

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Bonilla
Bono
Brady
Brown (OH)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Carson
Chabot
Chambliss
Chenoweth
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cubin
Cunningham
Danner
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Evans
Everett
Ewing
Filner
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jenkins
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kucinich
Largent
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McKinney
Metcalf
Mica
Miller (CA)
Mollohan
Moran (KS)
Myrick
Nethercutt
Neumann
Northup
Norwood
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Strickland
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—24

Bateman
Boehner
Burr
Clay
Coble
Dixon
Fattah
Forbes
Fox
Gonzalez
Hastert
Hastings (FL)
Istook
Jefferson
Kaptur
Meek (FL)
Miller (FL)
Morella
Paxon
Poshard
Reyes
Stark
Tanner
Yates

□ 1929

Ms. MCKINNEY and Mr. BLUNT changed their vote from "aye" to "no."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ISTOOK. Mr. Speaker, I regret I could not be present to vote on the Motion to Instruct Conferees on IMF funding. I am attending a special family milestone—my oldest son's graduation from college. Had I been present I would have voted Nay.

□ 1930

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the Chair appoints the following conferees: Messrs. LIVINGSTON, MCDADE, YOUNG of Florida, REGULA, LEWIS of California, PORTER, ROGERS, SKEEN, WOLF, KOLBE, PACKARD, CALLAHAN, WALSH, OBEY, YATES, STOKES, MURTHA, SABO, FAZIO of California, HOYER; Ms. KAPTUR and Ms. PELOSI.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3130, CHILD SUPPORT PERFORMANCE AND INCENTIVE ACT OF 1998

Mr. DAVIS of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3130) to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements, to amend the Immigration and Nationality Act to make certain aliens determined to be delinquent in the payment of child support inadmissible and ineligible for naturalization, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida? The Chair hears none and, without objection, appoints the following conferees:

From the Committee on Ways and Means, for consideration of the House bill and Senate amendments and modifications committed to conference:

Messrs. ARCHER, SHAW, CAMP, RANGEL, and LEVIN.

As additional conferees from the Committee on Education and the Workforce, for consideration of section 401 of the Senate amendment and modifications committed to conference:

Messrs. GOODLING, FAWELL, and PAYNE.

There was no objection.

APPOINTMENT OF ADDITIONAL CONFEREES ON H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1998

The SPEAKER pro tempore. Without objection, the Chair appoints the following additional conferees on H.R. 2400:

As additional conferees from the Committee on Science, for consideration of section 312(d) and Title VI of the House bill and sections 1119, 1206, and Title II of the Senate bill and modifications committed to conference:

Mr. SENSENBRENNER, Mrs. MORELLA, and Mr. BROWN of California.

There was no objection.

The SPEAKER pro tempore. The Speaker will appoint additional conferees at a subsequent time.

The Clerk will inform the Senate of the change in conferees.

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from Texas (Mr. DELAY) to inquire from the distinguished Majority Whip the schedule for today, the rest of the week, and next week.

Mr. DELAY. Mr. Speaker, I appreciate my friend the gentleman from Michigan (Mr. BONIOR), the distinguished Minority Whip, yielding to me.

I am pleased to announce, Mr. Speaker, that we have concluded legislative business for the week. The House will next meet on Monday, April 27, for a pro forma session. There will be no legislative business and no votes that day.

On Tuesday, April 28, the House will meet at 12:30 p.m. for the morning hour and 2 p.m. for legislative business.

On Tuesday, we will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices. Members should note that we do not expect any recorded votes before 5:00 on Tuesday, April 28.

On Wednesday, April 29, and Thursday, April 30, the House will meet at 10

a.m. to consider the following legislation:

A bill to establish a prohibition regarding illegal drugs and the distribution of hypodermic needles; H.R. 6, the Higher Education Amendment of 1998; H.R. 1872, the Communications Satellite Competition and Privatization Act of 1997; H.R. 3546, the National Dialogue on Social Security Act of 1998; and S. 1502, the District of Columbia Student Opportunity Scholarship Act of 1997.

Next week, we also hope to consider the conference report to the Emergency Supplemental Appropriations Act.

Mr. Speaker, we hope to conclude legislative business for the week by 6 p.m. on Thursday, April 30.

I thank the gentleman for yielding.

Mr. BONIOR. Mr. Speaker, reclaiming my time, would the gentleman entertain a few questions?

Mr. DELAY. Mr. Speaker, I would be glad to.

Mr. BONIOR. Campaign finance reform. When? When do we expect to have that before the body?

Mr. DELAY. Well, as the gentleman knows, we are all excited about bringing campaign finance reform to the floor.

Mr. BONIOR. I can tell on your face that you are just overjoyed.

Mr. DELAY. And we hope to bring the campaign finance reform when it has had open and fair discussion sometime in May. Certainly, I would expect we would hope before the Memorial Day recess.

Mr. BONIOR. We do not know that it is going to be before the Memorial Day recess? Is that still in doubt?

Mr. DELAY. Anything in this body is in doubt, as the gentleman knows. We are working on it. We hope the committees to work on the bill and bring it to the floor as soon as we can.

Mr. BONIOR. I would encourage my friend, the gentleman from New York (Mr. SOLOMON), the chairman of the Committee on Rules, to engage in this if he would like. Are we expecting an open rule on campaign finance?

I yield to my friend from New York.

Mr. SOLOMON. Yes, we are. The arrangement that was made on both sides of the aisle on a bipartisan basis was to have a freshmen bipartisan bill as the base text and then allow any of the germane substitutes that would be offered to it.

Mr. BONIOR. Repeat the last part.

Mr. SOLOMON. Would allow any germane substitutes that are credible to be allowed to be debated for at least 1 hour.

Mr. BONIOR. And does my colleague expect the Shays-Meehan piece to be a part of that?

Mr. SOLOMON. The Shays-Meehan, if it stays in the form it is in now, it would be germane and it would be allowed to be brought to the floor.

Mr. BONIOR. Let me ask this question of the gentleman.

Some of us on this side of the aisle and on your side of the aisle think another approach that might be worth debating and discussing is the constitutional approach, trying to correct some of these problems through the constitutional route, given the court rulings with respect to participation in the system and limitations on spending.

Would the gentleman be entertaining opportunities for us to offer those type of remedies to our present predicament?

Mr. SOLOMON. Constitutional amendments are joint resolutions, as the gentleman knows. And we can talk about it, but that is not a part of the arrangement that was allowed.

Mr. DELAY. If the gentleman would yield. Certainly the gentleman is not talking about limiting the jurisdiction of judges, is he?

Mr. BONIOR. No, that was your exercise today.

My friend from New York said that this was an arrangement that was made by both sides. Can he apprise us who he talked to on our side, who his leaders talked to with respect to agreeing on what the base bill was? I mean, I do not know of anybody on our side of the aisle that participated in any discussions with him on this.

Mr. SOLOMON. I will tell the gentleman, I do not know who else was spoken to. I see my good friend Sean Connery, no, that is not Sean Connery, that is the gentleman from Massachusetts (Mr. MOAKLEY) standing over there; and I sat down with him and explained what we had in mind and it would be open and fair and every single Member of this House will be able to work their will as long as they have a credible plan, which we can discuss. And, as I told the gentleman from Massachusetts (Mr. MOAKLEY), we will make those substitutes in order.

Mr. BONIOR. Well, we are hoping that when the committee meets, the Committee on Rules, that the options available for a full debate and opportunities to debate the wide variety of proposals that are out there, including constitutional provisions, will be available to Members.

And that is all we have asked for with the discharge petition that we initiated, and we hope that we can move on and have a good debate on those issues.

Mr. SOLOMON. I think my colleague will be excited and happy with the rule that the gentleman from Massachusetts (Mr. MOAKLEY) and I will bring to the floor.

Mr. BONIOR. Mr. Speaker, I thank my friend from Texas, and I wish both my colleagues a very pleasant weekend.

Mr. DELAY. I wish my colleague a very pleasant weekend. I hear the weather is nice in Michigan.

Mr. BONIOR. Great mellow moments in the House of Representatives.

ADJOURNMENT TO MONDAY, APRIL 27, 1998

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 2 p.m. on Monday next.

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

There was no objection.

HOUR OF MEETING ON TUESDAY, APRIL 28, 1998

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, April 27, 1998, it adjourn to meet at 12:30 p.m. on Tuesday, April 28, 1998, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

UNFAIRNESS IN TAX CODE: MARRIAGE TAX PENALTY

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

Mr. WELLER. Mr. Speaker, a series of very simple questions state why passage of the Marriage Tax Elimination Act is so important. Do Americans feel it is fair that our Tax Code punishes marriage with a higher tax? Do Americans feel that it is fair that 21 million married working couples with two incomes pay on the average $1,400 more in taxes just because they are married? Do Americans feel that it is right that our Tax Code actually provides an incentive to get divorced?

Of course not. Americans recognize the marriage tax penalty is wrong; it is unfair; it is immoral. They also recognize that 21 million married working couples are paying $1,400 more. In the south side of Chicago, in the south suburbs, $1,400 dollars is real money for real people, one year's tuition at Joliet Junior College or 3 months of day care at a local day care center.

The Marriage Tax Elimination Act has 238 cosponsors, a majority of the House. Let us eliminate the marriage tax penalty. Let us eliminate it now.

Mr. Speaker, I rise today to highlight what is arguably the most unfair provision in the U.S. Tax code: the marriage tax penalty. I want to thank you for your long term interest in bringing parity to the tax burden imposed on working married couples compared to a couple living together outside of marriage.

In January, President Clinton gave his State of the Union Address outlining many of the things he wants to do with the budget surplus.

A surplus provided by the bipartisan budget agreement which: cut waste; put America's fiscal house in order; and held Washington's feet to the fire to balance the budget.

While President Clinton paraded a long list of new spending totaling at least $46–$48 billion in new programs—we believe that a top priority should be returning the budget surplus to America's families as additional middle-class tax relief.

This Congress has given more tax relief to the middle class and working poor than any Congress of the last half century.

I think the issue of the marriage penalty can best be framed by asking these questions: Do Americans feel it's fair that our tax code imposes a higher tax penalty on marriage? Do Americans feel it's fair that the average married working couple pays almost $1,400 more in taxes than a couple with almost identical income living together outside of marriage? Is it right that our tax code provides an incentive to get divorced?

In fact, today the only form one can file to avoid the marriage tax penalty is paperwork for divorce. And that is just wrong!

Since 1969, our tax laws have punished married couples when both spouses work. For no other reason than the decision to be joined in holy matrimony, more than 21 million couples a year are penalized. They pay more in taxes than they would if they were single. Not only is the marriage penalty unfair, it's wrong that our tax code punishes society's most basic institution. The marriage tax penalty exacts a disproportionate toll on working women and lower income couples with children. In many cases it is a working woman's issue.

Let me give you an example of how the marriage tax penalty unfairly affects middle class married working couples.

For example, a machinist, at a Caterpillar manufacturing plant in my home district of Joliet, makes $30,500 a year in salary. His wife is a tenured elementary school teacher, also bringing home $30,500 a year in salary. If they would both file their taxes as singles, as individuals, they would pay 15%.

MARRIAGE PENALTY EXAMPLE IN THE SOUTH SUBURBS

	Machinist	School Teacher	Couple
Adjusted gross income	$30,500	$30,500	$61,000
Less personal exemption and standard deduction	6,550	6,550	11,800
Taxable income	23,950	23,950	49,200
Tax liability	3592.5	3592.5	8563
Marriage penalty: $1378.			

But if they chose to live their lives in holy matrimony, and now file jointly, their combined income of $61,000 pushes them into a higher tax bracket of 28 percent, producing a tax penalty of $1400 in higher taxes.

On average, America's married working couples pay $1,400 more a year in taxes than individuals with the same incomes. That's serious money. Every day we get closer to April 15th more married couples will be realizing that they are suffering the marriage tax penalty.

Particularly if you think of it in terms of: a down payment on a house or car; one year's tuition at a local community college; or several months' worth of quality child care at a local day care center.

To that end, Congressman DAVID MCINTOSH and I have authored the Marriage Tax Elimination Act.

It would allow married couples a choice in filing their income taxes, either jointly or as individuals—whichever way lets them keep more of their own money.

Our bill already has the bipartisan cosponsorship of 232 Members of the House and a similar bill in the Senate also enjoys widespread support.

It isn't enough for President Clinton to suggest tax breaks for child care. The President's child care proposal would help a working couple afford, on average, three weeks of day care. Elimination of the marriage tax penalty would give the same couple the choice of paying for three months of child care or addressing other family priorities. After all, parents know better than Washington what their family needs.

We fondly remember the 1996 State of the Union address when the President declared emphatically that, quote "the era of big government is over."

We must stick to our guns, and stay the course.

There never was an American appetite for big government.

But there certainly is for reforming the existing way government does business.

And what better way to show the American people that our government will continue along the path to reform and prosperity than by eliminating the marriage tax penalty.

Ladies and gentlemen, we are on the verge of running a surplus. It's basic math.

It means Americans are already paying more than is needed for government to do the job we expect of it.

What better way to give back than to begin with mom and dad and the American family—the backbone of our society.

We ask that President Clinton join with Congress and make elimination of the marriage tax penalty a bipartisan priority.

Of all the challenges married couples face in providing home and hearth to America's children, the U.S. tax code should not be one of them.

Let's eliminate the marriage tax penalty and do it now!

WHICH IS BETTER?

Note: The President's Proposal to expand the child care tax credit will pay for only 2 to 3 weeks of child care. The Weller-McIntosh Marriage Tax Elimination Act, H.R. 2456, will allow married couples to pay for 3 months of child care.

Which is better, 3 weeks or 3 months?

CHILD CARE OPTIONS UNDER THE MARRIAGE TAX ELIMINATION ACT

	Average tax relief	Average weekly day care cost	Weeks day care
Marriage Tax Elimination Act	$1,400	$127	11
President's child care tax credit	358	127	2.8

AMERICAN PEOPLE HAVE BEEN THE BENEFICIARIES OF A BALANCED BUDGET

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

Mr. ABERCROMBIE. Mr. Speaker, I was privileged to be on the floor of the House of Representatives when the President's budget passed in 1993, that budget at the time denounced so severely by many critics of the President and what he was trying to accomplish.

I think, some 5 years later, we found that all of the goals have been in fact accomplished with respect to balancing the budget; and, most particularly, we find ourselves in a situation with low interest rates and the ability of people to take advantage of the home interest deduction they might not otherwise have had.

As a result, Mr. Speaker, I hope there is a recognition that this was the right course to take, that the American people have been the beneficiaries, that home ownership has been advanced, and that these 5 years provide a record of accomplishment of which we can all be proud.

Mr. Speaker, Today, many if not every Member of Congress is going to receive a visit by realtors from our districts.

I look forward to meeting today with the members of the Hawaii Association of Realtors on their annual trip to Washington.

I know one of their top priorities is preserving the home mortgage interest deduction. I stand with them completely on this issue.

As the House moves closer to developing a tax bill in the months ahead, it is vitally important that we preserve the mortgage interest deduction. It is fundamental of fulfilling the American dream of home ownership.

I am concerned that proposals for a flat tax or a national sales tax would endanger the mortgage interest deduction.

The mortgage interest deduction in important to Hawaii, where the average cost of a single family home is $312,000.

It is estimated that eliminating the mortgage interest deduction could cause the value of existing homes to drop between 20–30 percent.

As we in Hawaii face our greatest economic challenge since statehood, elimination of the mortgage interest deduction would be a disaster.

Homeowners would suffer a disastrous loss of equity. Thousands of realtors, construction workers, and employees of financial institutions would lose their livelihoods.

Mr. Speaker, I urge my colleagues to join me in fighting any attempt to eliminate the home mortgage deduction.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LAHOOD). 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.

REGARDING THE PRESIDENT'S TAX PARTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DELAY) is recognized for 5 minutes.

Mr. DELAY. Mr. Speaker, we would like to have gone into recess a few minutes ago, but the staff of the House has convinced me otherwise. But we wanted to go into recess to give time for our Democrat colleagues to go down to the White House so that they could celebrate.

And why are they celebrating? They are celebrating those Members of Congress who voted for the largest tax increase in the history of this country. We want to make sure they all were able to get down to the White House in a timely fashion. Included in that group are several former Members of Congress who lost because of that vote.

I am not kidding. This is not April Fool's Day. This is actually happening down at the White House as we speak. Do not worry, though. There will not be any Republicans invited to the White House tonight because not one Republican voted for the largest tax increase in history and so none of us got an invitation.

But down in my office right now we are having hot dogs and pizza to celebrate the fact that we voted for tax cuts last year. We are going to vote for tax cuts again this year. We are going to vote for tax cuts again next year. We will vote for tax cuts every year we are in the majority.

And we will continue to want to cut taxes for America's working families. Because we understand that over 50 percent of a family's income goes to the Government. If you add up State, local and Federal taxes and the cost of regulation, 50 cents out of every hard-earned dollar that the American family makes today goes to the government. No wonder our families are in strain. No wonder it takes one parent to work for the Government while the other parent works for the family.

But Democrats, on the other hand, love to raise taxes. One prominent Democrat admitted that Democrats just do not like to cut taxes, they like to raise taxes. They think cutting taxes is irresponsible.

□ 1945

They think raising taxes is responsible. Can we remember the debates of 1995 and 1996? Everybody said we cannot cut taxes and balance the budget; that is irrelevant, and it is crazy. Well, we did it last year. We cut taxes on the American family. We had the first balanced budget agreement in I do not know how many years.

But this is why they are usually responsible for increasing those taxes. Now, make no mistake about it, the Democrat budget not only increased taxes, it also increased spending and deepened the deficit. Now the Republican budget, the budget we passed in 1995, cut taxes and balanced the budget.

So the lesson here is very simple. If we want higher taxes and more Washington spending and higher deficits, then the American people need to vote for the Democrats. If we want lower taxes and a balanced budget and sensible government spending, then they should vote for the Republicans.

So I hope my friends are enjoying themselves down at the White House tonight. But their party's commitment to higher taxes is no party.

Mr. TAYLOR of Mississippi. Mr. Speaker, will my friend the gentleman from Texas yield?

Mr. DELAY. I will be glad to yield.

Mr. TAYLOR of Mississippi. Mr. Speaker, I am not going to argue with the gentleman on the tax increases, but it is misleading to the American people to say that this Congress has passed a balanced budget. They did not.

Mr. DELAY. Well, the gentleman reads a different budget.

Mr. TAYLOR of Mississippi. The budget plan that you passed——

Mr. DELAY. Mr. Speaker, I have the time, and I am reclaiming the time and I am going to answer the gentleman's statement.

Mr. TAYLOR of Mississippi. But, please, the American public needs to know we are not there yet.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Texas has the time.

Mr. DELAY. Mr. Speaker, the gentleman does not know what unified budgeting is. The gentleman obviously does not know. I agree with the gentleman that we have a huge surplus that we are spending on government spending. But if we take all the spending and all the tax revenues, then we are in surplus.

I want, as the gentleman wants, I am sure, I want to make it a true balanced budget by taking the Social Security surplus and not spend it on government spending. If the gentleman will work with me, I guarantee we will come up with a budget that will accomplish that. I think I have the credibility to do that.

PUT SOCIAL SECURITY FIRST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I think it is reasonable to carry on the discussion of what has happened in the last 5 years. I was elected, and my first year in Congress was 1993. In that year we had a deficit under the unified budget of $322 billion. In the next, that year for the budget for 1994, President Clinton sent us a budget with a deficit of $265 billion, a deficit in terms of a unified budget.

So it was not only on the $265 billion that we were short, it was also what we were short borrowing from the Social Security Trust Fund and the other trust funds of this country.

I think, number one, we have got to start being very honest with the American people of what has happened. When the Republicans took the majority of this House in 1995, we changed the budget and started rescissions and started cutting down spending, getting rid of one-third of the staff in this Congress, cutting out committees, cutting out up to 200 different agencies and departments and divisions to try to reach a balanced budget.

The Republicans really were demagogued in that election that eventually followed because we were doing all sorts of budget cuts, cutting down on the spending of the Federal Government in order to get a balanced budget.

We ended up winning. We ended up in the spring of 1996 sending a reconciliation bill to the President saying the operational budget, to keep government open, to keep it operating, is not going to go into effect, Mr. President, unless you send Congress a balanced budget.

Finally, the President did send Congress a balanced budget, and now we have moved ahead. We have reframed the debate in Washington, D.C. so both sides of the aisle are now saying, great, we need a balanced budget. Let us be more frugal in our spending.

We have come a long ways, but we have still got a long ways to go. We have got a long ways to go because we are still borrowing the money that is coming in surplus from the Social Security Trust Fund to use for other government spending, and that has got to stop.

Here is my proposal of how we stop it. I introduced the only Social Security bill that has been introduced in the last session of Congress three years ago and again this session that has been scored by the Social Security Administration to keep Social Security solvent. So if we really want to put Social Security first, let us stop talking about it and start doing it.

Now that we are looking at a surplus in terms of the unified budget that is coming in this year, and the estimates are as high now as a $40 to $50 billion surplus. Let us start taking that surplus money and allowing workers in this country to have their own personal retirement savings account that will partially offset their fixed benefits and Social Security eventually when they are ready to retire.

But giving these workers some of this surplus money that is coming in, which is, after all, overtaxation, allowing them to see the creation of wealth, allowing them to see the magic of compounding interest where our money can double every 4 or 6, 8 years; and when we are ready for retirement at age 65, we are going to see much more money in those funds.

So with even a partial offset, in my bill that I call for using these surplus monies to beef up Social Security, to start down the road of solvency, I am suggesting that for each $2 these people earn in the investment market of limited investments, of so-called safe investments, for every $2 they earn there be a $1 offset in their Social Security benefits, so there is really a safety net.

But what we have got to do is make sure that existing retirees continue to have the benefits that have been promised to them, but at the same time we make provisions that our kids and our grandkids and our kids' grandkids and great-grandkids can have an opportunity to have even more revenue returns in their retirement years.

Look, we have got a demographic situation where there are fewer workers paying in their FICA taxes to more and more retirees. When we started out in 1935 we had an average age life-span of 62 years old. That meant most people that paid into Social Security all their working life never received any benefits.

Now the average age of mortality, the life-span today at birth is 74 years old for a male, 76 years old for a female. But if we live to be 65 years old, then on the average we are going to live another 20 years. Let us get at it. Let us really put Social Security first.

TAKE OUR DAUGHTERS TO WORK DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise today to commemorate Take Our Daughters to Work Day. The Capitol Hill activities for Take Our Daughters to Work Day have been rescheduled for next Thursday because of the D.C. schools having academic testing today.

Today many fathers and mothers took their daughters to work. Take Our Daughters to Work Day was created in 1993 to help maintain that essential feeling of self-worth and enhance their understanding of what is possible and what they can accomplish if they put forth the effort.

This is an important day for the millions of girls who are provided with the rare and much-needed opportunity to meet successful professional women and envision the immense possibilities that stand before them.

Numerous studies have shown how many girls exhibit a strong and distinct sense of self-confidence until they reach the age of 11. Then there is a sudden drop in self-esteem, a lowered sense of self-worth, and intense feelings of insecurity about their own judgments and emotions. Take Our Daughters to Work Day is an effective way of maintaining their self-esteem.

Last year, 48.3 million adults said that their company and their spouse's company participated in this special day. In addition, three in ten adults said that they or their spouse personally participated by taking a girl to their workplace, which equals 15.4 million people.

Clearly, this is a day not only for this Nation's daughters but for parents, employers, and people who understand the value of investing in and training the younger generation to become better, stronger, and more effective members of the labor force in the years ahead.

As we approach the new millennium, Take Our Daughters to Work Day and similar activities which promote reaching out to young girls and women will become even more essential. By the turn of the century, 8 out of every 10 women between the ages of 25 and 54 will be on the job because they want and, in most cases, need to work. For the first time in history, most new jobs will require education or training beyond high school.

I hope that Members will participate in the Take Our Daughters to Work Day activities we have organized for our colleagues on Capitol Hill next week.

Our Nation's daughters need to know who they are and what they can be, which will exceed far beyond any societal limitations that were placed on their foremothers and to some degree continue to this day.

This knowledge and self-confidence help them develop more ambitious dreams, strive to take on more challenges, and become valuable leaders in America's future. We look forward to next week, Take Our Daughters to Work Day.

NATIONAL CRIME VICTIMS RIGHTS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BRADY) is recognized for 5 minutes.

Mr. BRADY. Mr. Speaker, this week is a special time in our country. It is designated as National Crime Victims Rights Week. It is an opportunity to try to begin to balance the scales of justice that are weighted so heavily in favor of the accused and so lightly weighted in favor of the victims of violent crime.

I am proud to be an original cosponsor of a constitutional amendment proposed by the gentleman from Illinois (Mr. HYDE), Congressman and Chairman of the House Committee on the Judiciary, that attempts to restore and provide really for the first time in this country solid, irreversible rights for victims of violent crime.

What this constitutional amendment does is that it provides that victims have the right to be given notice, to know when there are public hearings related to the crime in which they have been victimized, to be heard if they are present, and if they are not, to submit a written statement at all public proceedings where a sentencing occurs or a plea bargain is agreed to or there is a prospect that the criminal will be released from custody.

It provides the right under this constitutional amendment to be notified if that convict is released or escapes from custody, and because justice needs to be sure and swift, to seek relief as victims from these unreasonable delays related to the crime; the right to have restitution, because for many of victims of violent crime, especially if they lose a spouse or someone who is a source of income and revenue for their family, not only do they lose a loved one but they lose the financial support, the ability to send their children to college, the ability to spend time and have a house in which their children and those who survive the victim can live.

This constitutional amendment ensures that the victim's safety is always considered when a parole board or similar organization is looking at releasing a criminal in custody at whatever level. Finally, because rights mean nothing if we do not know of them, in this constitutional amendment we ensure that victims are notified of these rights early in the process.

As obvious as these rights are, the fact of the matter is, today in America very few enjoy them. With the exception of some enlightened States and some individual communities, for the most part the victims have no rights in these proceedings, are ignored in the process, are left behind, bewildered at a time in their life when they are stunned by what is occurring to them.

Our family has had some experience in this matter. When I was 12, my father was murdered in a South Dakota courtroom. While I was young at the time, and we do not remember everything as distinctly, I recall our family going through the trial, through the conviction, through the sentencing. And like a lot of families, we were before the parole board trying to keep dad's killer behind bars.

We have been through it. The fact of the matter is that no one ever expects it to happen to them. They are sure it only occurs in someone else's neighborhood, someone else's family, in someone else's community. But the fact of the matter is, in this America there

are two classes of Americans: those who have been touched by violent crime and those who someday will be.

This constitutional amendment is designed to protect those who have not yet been victimized by a crime, to make sure that at a time in their life that they never thought that they would be involved in, when justice seems so distant and remote, that they get the one thing in life that they most need at that time, which is justice.

□ 2000

Last year, I think in the year before, many of us watched the O.J. Simpson trial. We watched and read about the victims of the Oklahoma City bombing, and we had to pass a Federal law to ensure that the victims of Oklahoma City bombing could be present in the courtroom when that trial occurred. In most States all that a shrewd defense attorney has to do is identify the family or the victim's family as a possible witness in a courtroom case and excludes them, leaving the courtroom where the accused has a family behind them and full of supporters and where the victim is basically abandoned and empty. It is time that jurors see the victims of these crimes so that as they weigh the evidence, as they weigh the sentence, they understand that these are real people whose lives they affect.

I support this constitutional amendment and urge my colleagues to do so as well.

RANCHERS IN COLORADO KNOW HOW TO TAKE CARE OF THE LAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. MCINNIS) is recognized for 5 minutes.

Mr. MCINNIS. Mr. Speaker, I woke up this morning and, doing the usual morning, looked at the newspapers and read some of the comments about Earth Day yesterday, and I was surprised at some of the remarks that were made that seem to want to imply to the American people or convince the American people that the way to protect our environment is to have a larger and bigger government in Washington, D.C.; that the people in Washington, D.C., truly know better than those of you out there who own property, who have worked property, who work your land and live your land; that the people in Washington, D.C., really should be trusted with your water, they should be trusted with utilization of your land, they should be trusted with all of the decisions to be made about the environment.

So briefly tonight I wanted to talk to you about a few people that live on the land.

David and Sue Ann Smith, the Smith ranch located in Meeker, Colorado, that ranch is what they call a centennial ranch, which means one family has been on that ranch more than a hundred years. In the Smith case, it is one of the most beautifully managed ranches that I have been on, and I have spent a lot of time on it. It is a centennial family, they care about it, they make their living off that land.

Down in Carbondale, Colorado, former Congressman Mike Strang, Mike and Kit Strang have their ranch down there. It looks out over Mount Sopris. They take care of that land as if it were their own child.

You go back up to Glenwood Springs, Colorado, Al Strouband's. Al has a beautiful ranch up there, Storm King Ranch. He takes care of it. You should see what he does with the vegetation, you should see what he does with the utilization of the water, how he takes care of the game.

And not only does Al have a ranch in Colorado, he also has a farm in Virginia. Go down and see the farm and what he does with his farm, how well manicured it is, the animals that are taken care of, how he takes care of the environment, the soil, the water.

And you come back to Colorado. Go back up to Meeker again, go visit Bart and Mary Strang. They have been there a long time, these Strang families, long, long time. See how they take care of the land, see how protective they are of the environmental issues.

Go back up to Evergreen, Colorado, to Bill and Leslie Vollbracht. That is the utilization of conservation easements so that they can protect their land into the future.

Or if you want to, go back to Grand Junction, Colorado, Doug and Cathy King. I go up there every year to bugle elk. Some of the finest elk in the country are up in that area, beautiful aspen trees. You should go up there sometime in the fall, should go and ride in the pickup truck with Doug and see how much he cares about that land, how fragile they are with the land.

Go to Carbondale, Colorado to Tom and Ruth Perry's ranch; to their inlaws, Tom and Rossie Turnbull's. Look at what they do with their land and how protective they are.

You will find three things in common with all of these families. Obviously the first thing in common is they care about that land. They love that land. They know how important the land was for generations before them. They know how important that land is for generations ahead of them.

The second thing they all have in common is no one in Washington, D.C., no one in Washington, D.C., no Environmental Protection Agency, nobody from Earth First or the National Sierra Club had to march onto this property and tell these people how to care for that land. Nobody from Washington, D.C. or Earth First or these organizations had to tell them about the future generations. Nobody in Washington, D.C. or Earth First or any of those programs know anything about the past generations of this land.

The other thing that is in common, they are all Republicans.

Now when I read the papers this morning, the Democratic Party seems to think that through big government, through a larger EPA, through organizations like Earth First, that that is the way we ought to control and protect our environment. Well, I am telling you they have got it all wrong.

What they need to do is just take a few minutes, go talk to their local members, go talk to the local ranchers, go talk to the men and women that make their livings off farms and ranches. Take enough time to ride around on horseback or in a pickup or walk around, whatever you want to do. That land, see how they care for it, see how they talk about it, see how they cuddle it like it is a small child, see how they talk about future generations, and then reassess whether it is necessary for Washington, D.C. to impose their excess regulations, to impose some of the utopian ideas and in many cases to drive these people off that land.

You know it is very easy in the East to tell them what to do in the West because there is not much government land in the East. In the West, my district for example, my district, geographically larger than the State of Florida, 20-some-million acres of Federal land. We know about that land. We do not need Washington, D.C. to tell us.

Sometime take a deep breath and go visit a ranch in Colorado.

AN AWESOME RESPONSIBILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, let me first apologize to the wonderful people who work for this House. I am sorry we are keeping you late, I am sorry I am contributing to that.

As far as the American people, I want to apologize for the expense of this speech and the others. It costs about $8,000 an hour for special orders.

I tried when the Democrats were in the majority to do away with it, to have us use a room upstairs, let these good people, approximately 80 House employees, go home. There is no reason for these 80 people to be here, there is no reason for the clock to keep running. And I hope that some of my Republican friends who are equally cost-conscious would work with me on ending this practice.

Mr. Speaker, there is a room upstairs we can use. We do not have to keep 80 people around. My worries are not so great they need to be transcribed, and I can always ask that they be included

in the RECORD if I think it is worthwhile.

I am sorry Mr. DELAY left. I do like Mr. DELAY. But I do feel like he said some things that need to be clarified, and I want the American people to know where I am coming from as I make these remarks.

I have been here almost nine years, and in those nine years have come to the conclusion that both the political parties have degraded themselves to the point where they are not much more than organizations that raise money and peddle influence. So I hope that no one will take this as a partisan speech, but merely somebody who cares about his country and wants to fix it.

I regret that Mr. DELAY would lead the public to believe that we have a balanced budget, because we do not, and I do consider our Nation's debt as the greatest threat to our Nation. I regret to tell the American people that we are now spending a billion dollars a day on interest on that debt and it is growing.

A couple yards away from me is a real neat human being by the name of DUNCAN HUNTER. He is the chairman of the Subcommittee on Military Procurement of the Committee on National Security. One of DUNCAN's great misfortunes is trying to replace an aging fleet for the Navy, replace aging airplanes for the Air Force, on a very, very small budget. And quite frankly, if we were not squandering a billion dollars a day on interest on the national debt, we could be buying a destroyer a day with enough change left over to buy about 20 Blackhawk helicopters.

That is why it is important that we balance our budget, that is why it is important we be honest with the American people. And it is not a Democrat or Republican issue because, doggone it, they are both guilty in creating the debt, and the only way we are going to get out of debt is working together.

I am sorry to say that the Cato Institute can back up everything that I have said. Actually, overall spending in the first three years that the Republicans have run Congress has increased at a greater rate than the last three years that the Democrats were in the Congress. They are both wrong. It is wrong for both of us.

But defense spending has either shrunk or been frozen under both, and that is equally wrong. There are kids today flying around in 30-year-old CH–46s, 30-year-old CH–47s. Almost a thousand UH–1 Hueys have been grounded because we finally came to the conclusion that it just was not fair, and above all it just was not safe to send those kids up. But people are still flying old F–14s, still flying old C–103s, and they are still going to sea in old ships.

That is why it is important that, number one, we face up to the reality that we are still not balancing the budget, that we are borrowing from the trust funds, and it does not get any easier to get out of that hole for a lot of reasons, but the biggest reason is as a Nation we are getting older. As a Nation we are getting fewer and fewer people who are taxpayers and more and more people who are receiving benefits.

My dad a couple of days ago turned 77 years old, and I will use his generation as an example. When my dad was a teenager in the 1930's, there were 19 working people for every retiree. One hundred years later, in the year 2030, it has been estimated that there will only be 1.2 working people for every retiree. If we do not pay our bills now, we will never pay our bills because the ratio of workers to retirees continues to decline. It gets only worse all the way out to at least halfway through the next century.

So what I am going to ask Mr. DELAY on one side, what I am going to ask my fellow Democrats on the other, let us not claim victory in the budget because we have not even started. We are $5.5 trillion in debt, and we do not need the Democrats over here or the demagogues over there misleading the public.

We have an awesome responsibility to defend this nation. We have an equally awesome responsibility to pay our bills. We have an equally awesome responsibility to be honest with the American people, make them aware of the problem and then, as their elected representatives, both Democrats and Republicans, let us solve them.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. HUTCHINSON) is recognized for 5 minutes.

Mr. HUTCHINSON. Mr. Speaker, I want to take this opportunity to address an important issue that really took a different spin this week. As we entered this week in legislative business, I did not expect campaign finance reform to be an issue that was going to be on the front lines of legislative business this week nor next week.

But it took a turn this week, and it goes to show the legislative process works, and I want to express my appreciation, I think the appreciation of the American public, that the leadership indicated their willingness to have a full and fair and open debate on campaign finance reform. The procedure that has been outlined could not be more fair and open than having a base bill that comes to the floor of the House, which is the bipartisan Campaign Integrity Act, the freshman bill that is a bipartisan bill that addresses campaign finance reform, and then it is subject to amendments. It is a full and free open debate that no one can quarrel about as to its fairness.

That is what the American people expect, and that is what they have received, and I think it is a tribute to the leadership for recognizing this, responding to it in a very fair fashion.

□ 2015

Now, they have selected the freshman bill, it is called. It is really the result of a freshman task force, as the base bill that would come to the House on campaign reform. If you look at this bill, it is bipartisan in nature, but it is also bipartisan in process, and that is why it is so unique.

Let me talk just for a second about how that bill, I suspect, might have been chosen. If you go back to the beginning of this Congress, the two respective freshmen classes, the Democrats and the Republicans, said let's work together on an issue, and they choose finance campaign reform.

A task force of six Republicans and six Democrats met together over the course of 5 months, heard experts on constitutional law. We heard from the Democratic Party and heard from the Republican Party as to what they believed needed to be done.

We heard from the American people. We heard from academia. We heard from everyone imaginable; from the unions to the business side. And from those hearings we learned a lot, but we also came up with a proposal. We said we need to avoid the extremes. That is what has killed this issue time and time again in Congress. Avoid the extremes.

Let us concentrate on what we can agree on, the consensus, the common ground. And that resulted in this bill that was produced by this task force, but now has over 70 cosponsors, both Republicans and Democrats, both Liberals and Conservatives. It crosses the political spectrum. Not only is it fair, but it is an improvement in our system.

Now, it is not just a freshman bill. We have representatives all across the spectrum, every class that has sponsored this, that has joined in support of this. We need more support for this bill as it moves to the floor.

What does the bill do? First of all, I think it is very important to say that this is not a Republican leadership bill; it is not a Democrat bill. It is a bipartisan bill in process, in form and result, and I hope that we can continue that process as we move through the House.

This bill, first of all, bans the corporate money from the multinational corporations that comes in huge sums to our national political parties. It bans the contributions in the same form from the labor unions that go to the national political parties. So it is balanced in banning soft money to the national parties.

The second thing it does, besides reducing the influence of special interests, it increases the role of individuals in our campaign process. It increases their contribution limits. It says they

should have a greater role in it. It reduces special interests, increases the role of individuals, and then it increases the role of the American public by giving them more information, more information on who is affecting the campaigns, how much money is being spent, what groups are spending that money. And that is the information that they need to make the correct decisions on campaigns, and who are trying to influence them.

It is a basic bill that is good campaign reform, that is true reform, and I am delighted to have an opportunity for it to come to the floor, subject to amendment, as we debate this issue.

So I think that we have come a long way. I look forward to the next 3 or 4 weeks as we debate ideas and we have disagreements; both on the Republican and Democrat side. But what would be more fair to the American public than to debate ideas on the floor of this House and let the majority rule govern? I think that is what democracy is about. That is what this institution is about.

I addressed some eighth graders over the break at Alma High School. They asked me some questions. One was, why did you want to go to Congress? The answer was to reduce cynicism and distrust of our institutions of government.

What we can do by having this full and fair debate is to increase confidence, to increase respect by the American public, and we have done a great service. In addition, we have a good chance of passing meaningful reform, send it to the Senate, and let us see what they do.

PUTTING SECURITY BACK INTO SOCIAL SECURITY

The SPEAKER pro tempore (Mr. COOKSEY). Under a previous order of the House, the gentleman from South Carolina (Mr. SANFORD) is recognized for 5 minutes.

Mr. SANFORD. Mr. Speaker, I would like to follow up on what my colleague from Mississippi was talking about, and that is the surplus.

As we all may know, theologians have a thing, a word, a concept, if you will, called original sin, and the idea is from original sin all other sins flow. And when Washington these days begins talking about the idea of surplus, it seems to me that that is the original sin in Washington, because I just have real questions about the idea of us really running a surplus.

I have got a question from the standpoint of accounting. I mean, in the President's budget that was sent up to the Congress, it listed in it a $9.5 billion surplus, and yet the national debt would go up by $176 billion. That is the equivalent of saying I am going to pay off $95 on my credit card balance, but my credit card balance is going to go up by $1,700.

Mathematically that is impossible, with the exception of anyplace but Washington, D.C. Because in Washington, D.C., if you were to break out the budget, what you would see is $103.5 billion borrowed from Social Security, and as you add up the other trust fund borrowings, it comes to this $176 billion number.

That number actually may be a little less than that because the surplus is supposed to be greater, but the point is that is not the way you do accounting back home in South Carolina, or Nevada, or Illinois, or anywhere else. That is not conventional accounting.

Too, I think the surplus is somewhat fictitious simply from the standpoint of economy. The $225 billion that plugs the gap from where the Congress was and where the White House was built on the economy continuing to roll ahead, and I have serious reservations on it being able to continue to roll ahead.

The third way, I guess, I have questions on the sustainability of the surplus would be simply on the basis of what we send to Washington every year. We are at a post-World War II high in terms of the amount of money that people send in taxes to Washington, D.C.

This last year we hit 20.1 percent of GDP sent by hard-working Americans to Washington. Now, that was only met or exceeded basically at the height of World War II. In 1944, we hit 20.9 percent, and in 1945 we hit 20.4 percent of GDP. Other than that, it has been below 20 percent consistently, which means it only takes people modifying their behavior just a little in terms of a spouse working a little bit less or in terms of a worker spending a little bit more time with the family to all of a sudden have us drop below the 20 percent figure.

If we did, the surpluses would go out the window.

What this means to me as we begin to talk about the issue of Social Security is how do we have security with Social Security? Because what is interesting to me about the Social Security debate, is the President in this very Chamber said at the State of the Union that we ought to reserve every dollar of surplus for Social Security, and yet, given the way the trains have been running in this town recently, it seems to me if $50 or 60 billion comes to Washington, there is a good likelihood that that money will be spent. And if it is spent, it is not saved for Social Security.

So I think that one of the things we really ought to begin looking at is the idea of the gentleman from Ohio (Mr. KASICH) of Social Security Plus. Quite simply, that would be taking the surplus money, rebating it back to everybody that pays Social Security taxes, and then letting them put that money in their own Social Security Plus account.

The advantage for me of that idea is that by having it in your own account, and we are not talking about a lot of money, about $500, based on the size of the surplus in your account each year, and over the next 6 years, that would be $3,000. But by having that money in your account, Washington cannot reach in and borrow that money.

I think we really need to begin looking at that kind of security when we talk about the word "Social Security" if we are serious about, A, having every dollar of surplus go toward Social Security, and, B, on the whole concept of protecting Social Security.

STATE OF MILITARY PREPAREDNESS IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, we are getting closer and closer to the anniversary of the invasion of South Korea, and I reflected back the other day when I was at my aunt and uncle's house in Fort Worth, Texas, because on one of their dressers they have a photograph of a young marine; his name was Son Stilwell, a Marine Lieutenant killed in Korea, one of the 50,000-some casualties KIA that we suffered in that conflict.

I reflected on that this pending anniversary. We are on the eve of when I listened to our Secretary of Defense and President Clinton's defense leaders as they presented a declining defense budget to the U.S. Congress.

The situation, I think, is a lot like it was in those days in 1950 before that June invasion. To set the stage, Mr. Speaker, we have come down, we have slashed defense and cut down on our forces dramatically since Desert Storm. We have cut from 18 Army divisions that we had in 1991 to only 10 today. That is, incidentally and coincidentally, the same number of Army divisions we had when Korea was invaded.

We have gone from 24 to only 13 fighter air wings, so we have cut our air power almost in half under the Clinton Administration. And we have cut our naval vessels from 546 to 333, about a 40 percent cut in naval vessels.

Now, the theme in 1950 and the reason that so many defense leaders from then Lewis Johnson, then Secretary of Defense, right on down, the theme that they propounded as they presented this declining defense budget to the U.S. Congress, and said that it was adequate, was that somehow we were the dominating Nation of the world with respect to high-tech, and nobody would mess with us. Of course, we had at that time the nuclear weapon. Nobody else presumably had that until a few years later.

Yet we were shocked in June when the North Koreans invaded South

Korea and almost pushed the South Korean forces and the Americans that tried to stem the tide into the sea. We tried to hold them up at the Osan Pass, the 25th Infantry Division that we flew in, MacArthur flew in from Japan, was cut to ribbons. The commander, General Dean was, in fact, captured by North Korean forces.

We held the Pusan Peninsula by our toenails and finally started to push it up to the northern part of the peninsula. Then, interestingly, the theme that the leaders had that nobody would mess with us because we had the high technology and the nuclear weapon was further devastated when the Communist Chinese invaded South Korea.

The point isn't that we are any dumber than we were in 1950 and/or maybe we were dumber than we are now, and maybe we have leaders today that know something those people didn't know. My point is that the events of the world are unpredictable and that we today are taking a high level of risk by dramatically cutting our defenses.

The American people need to know that. They need to know that the massive savings, so-called savings that President Clinton is showing the world proudly and showing the American people proudly, the millions of dollars that he has pulled out of programs, have primarily been pulled out of national security.

We have dramatically cut back our national security. And we do not know what this world is going to bring us. I am reminded of the fact that when we had our assembled intelligence apparatus and our intelligence leaders in front of us, and we asked them a few simple questions, such as which of you predicted the Falklands war, none of them could raise their hands. When we asked which of you predicted the downfall of the Soviet Union, that was in all the papers. None of them could raise their hands.

And when we asked them which of you predicted the invasion of Kuwait, one of them actually said before or after the armored columns started moving? We said, no; before the armored columns started moving. None of them had predicted the invasion of Kuwait. It is not that they are not smart, it is not that they don't have a lot of resources at their disposal. The facts are that unexpected things happen in this world.

We are still living in a very unstable world, and we have a declining military to face that unstable world with. One reason we were able to bring home to the American people so many of the soldiers and sailors and marines who went over to Desert Storm, and the reason we didn't have to fill up those 40,000 body bags we took with us in fighting the fourth largest army in the world, was because we were so strong we won the war decisively in a very short period of time with very limited American casualties.

Mr. Speaker, we are taking a big chance today, because under the Clinton Administration's leadership, we have cut our military almost in half. If the balloon goes up today, we cannot win a Desert Storm war as decisively as we did just a few years ago.

SECURITY POSTURE IN AMERICA THREATENED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise as we complete legislative work this week, in anticipation of next week when we will begin the markup process for one of the largest bills we do each year, and that is the defense authorization bill. As my colleague just discussed, we are in a massive downsizing mode that I think is heading us right for a train wreck at the turn of the century in terms of our security posture.

You are going to be hearing significant amounts of comments and speeches and activities over the next four weeks as members of our committee, all 57 members, get involved in educating Members of this body, and the American people about where we are in terms of our state of readiness. I want to call attention to my colleagues two events that will take place next week.

First of all, Mr. Speaker, the largest loss of military life that we have had in this decade was back 7 years ago when 28 young Americans were killed by a scud missile, a low complexity scud missile shot from Iraq into a barracks in Saudi Arabia. That missile devastated the lives of 28 young Americans.

On Wednesday, all day in the Rayburn courtyard off of New Jersey Avenue, we will display a 40-foot-long scud missile, a missile that, in fact, was produced by the Iraqis with assistance from North Korea; that is the same missile that, in fact, killed American troops, the only major loss of life of our troops in this decade.

□ 2030

That missile is now being sold around the world. Rogue nations are purchasing it. It is still a threat to this country that we cannot defend against.

Along with a display of that Scud missile, which will be available for inspection by our colleagues in the House and the other body and by the American public at that courtyard off of the Rayburn Building on New Jersey Avenue and C Street, will be a demonstration of one of our responses. The Army will, in fact, have a full, active deployment of a THAAD battery. THAAD is the Theater High Altitude Area Defense System that we are developing for our Army to deploy in theaters around the world to defeat missiles like the Iraqi Scud missile.

The THAAD battery will allow Members to see firsthand the success we have had to date in building what will become a very capable system. The unfortunate part of this is that it is going to take several years before this system will be available. But I want to encourage Members to walk over to the Rayburn courtyard and see for themselves how far we have come in terms of building a comprehensive system.

In fact, it has been this body, both Democrats and Republicans, over the past 3 years that have increased funding for these programs, at a time when the administration wanted to continually decimate and decrease funding for these very important programs.

The second event will occur the second day, on Thursday of next week, when 2,000 of America's finest American fire and domestic defenders, our emergency services personnel, will travel to Washington for our tenth annual dinner, where on Thursday night at the Washington Hilton we will pay tribute to these brave heroes.

These individuals will come from every State in the Union, they will represent every major community, large cities like New York, small towns across America, and they will come with one common purpose: that is, for us to be able to recognize their services.

But something different will happen that day, Mr. Speaker. On Thursday, at noon, there will be a massive rally and demonstration at this Capitol building, where the fire and EMS providers in every congressional district in this country will gather for a massive rally at noon, after having surrounded this Capitol building with fire and emergency services apparatus, to make a statement.

The statement is a simple one: As this Congress and this administration has increased funding for response to terrorism acts, to the potential use of weapons of mass destruction, and for the disasters that would result from those, from increases in funding for the Defense budget, the Department of Justice budget, the Health and Human Services budget, the FEMA budget, and the Department of Energy budget, none of that money is in fact siphoning down to those people who are where the rubber meets the road, who are the Nation's first responders in each of these situations.

The demonstration on Thursday, that will be loud and vocal, to which I invite all of our colleagues from both parties, will focus on the fact that this Congress and the administration need to understand that in working to prepare this Nation to deal with disasters, especially those involving weapons of mass destruction, we need to provide the support to the 1.2 million men and

women in the 32,000 departments, 85 percent of whom are volunteer, who protect this country every day.

I am also asking our colleagues, Mr. Speaker, to reach out and invite fire and EMS personnel from across the country, and especially in this region, to travel to Washington on Thursday to send a signal throughout this Capitol, with a massive rally at noon right outside the steps of this Chamber, that we will no longer tolerate the consideration of our fire and EMS personnel as second-class citizens, that they deserve the top priority in preparing this Nation to deal with disasters, both manmade and the potential use of terrorist devices.

THE INCREDIBLE THINGS HAPPENING IN THIS COMMUNITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin (Mr. NEUMANN) is recognized for 60 minutes as the designee of the Majority Leader.

Mr. NEUMANN. Mr. Speaker, I thought I would dedicate tonight's special order to the incredible things that are happening here in this community. I could not get on a plane home because we got out of session too late tonight, so I am kind of like putting myself back in Wisconsin and looking at Washington and just looking at how some of the most incredible things in the world are going on right out here in this city today.

I am going to start with one of the issues that was talked about today and actually we voted on today, and that is the IMF issue.

Out in Wisconsin, if you said IMF to the average person out there, I am not sure they would even know what IMF is or what it is for or any of the rest of that. Frankly, I came out of the private sector and had no political experience, so today I had an opportunity to sit in on an educational session on what the IMF is and how it actually goes about lending money and what it is all about.

At the end of the session, Jack Kemp was leading the session, but there were other experts there on the IMF, and at the end of the session I started asking questions that I think most people in Wisconsin, if they had sat in on this thing, would have logically started asking.

The first one I asked is, how much have we given the IMF already of the taxpayers' money? Thirty-six billion dollars, is the answer.

What do they want now? What are they asking for? They are asking for $18 billion more of the taxpayers' money.

The most incredible thing, and this is what this is dedicated to tonight, the incredible part of this is, as we heard on the floor during this debate, do not worry about it, the IMF does not cost any money. If the IMF does not cost any money and we do not have to raise any taxes to put this money over there, then why are we talking about $18 billion that we are somehow going to give them? Again, only in Washington could we have this kind of discussion.

But I did not stop there. I started asking some more Wisconsin commonsense kinds of questions. The next one I asked is, they had gone through this whole thing about how wherever the IMF was, America was viewed as an enemy, not as a friend. So I said, now, wait a second, if the IMF is not working today, why would we want to put more money into the system?

I asked another what I consider commonsense question: Does the IMF have enough money in the system today to keep going and doing what it is doing? And the amazing thing to me is they answered that question, yes, they do.

So I asked what I considered another commonsense question: How much money do they have? They have $40 billion of liquid assets today, $40 billion in the IMF of liquid assets today. But that is not the end. They have $35 billion in gold, beyond that. On top of that, they have borrowing power of $25 billion.

So this agency that is asking us to go to the American taxpayers and get the $18 billion that is not going to cost our government anything, even though we are going to put it in the IMF, the amazing thing is they already have all of this liquid cash on hand.

So I started asking what I thought was a logical question. I said, they have got $100 billion available already. What are they going to do with the $18 billion they are now asking us to collect from the American taxpayers that is not going to cost the government any money?

It turns out that this program, on which they spent 45 minutes describing why it was not working and what was wrong with it, the $18 billion is not to fund the program as it exists today, the $18 billion is to look at this program that they all say is not working and expand the program.

The $18 billion is not for the ag industry and the concerns that I hear from our ag folks, it is not to continue funding the programs to allow countries to buy grain and some of our agriculture products, the $18 billion is to expand this program that we heard from the leading experts is not working.

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

Mr. NEUMANN. I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding. I appreciate this special order tonight.

I was at that briefing, as well. I must tell the Members, it was eye-opening. When we look at what they are asking for, I was reminded that somebody once observed that the definition of insanity is doing more of what you have always done and expecting a different result.

If we look at what has happened in Asia, where they have gone in and forced some of the Asian economies to raise taxes, to devalue their currency, then they are surprised when, ultimately, that has a devastating impact on the economy, and it just seems to me this is wrongheadedness elevated to an absolute art form.

When we heard some of the examples today of what has happened in Asia and what happened in Indonesia, what has happened in other parts, what happened in Hungary, for example, and then they are coming in and saying, by the way, what we need is another $18 billion from the American taxpayers, and, incidentally, we want no debate on this, we want you to do this as part of a supplemental emergency bill so that there is no debate here in Congress, no debate here on the floor of the House, so people do not have any chance to ask some serious questions, it really illustrated what is wrong with things here in Washington.

We have a lot of things here in Washington that are wrong, a lot of things that need to be questioned, and this certainly is one of them. We have our friend here, the gentleman from Colorado, and I would like to hear from him as well.

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

Mr. NEUMANN. I yield to the gentleman from Colorado.

Mr. MCINNIS. Mr. Speaker, I appreciate my colleague yielding to me.

Mr. Speaker, we all grew up with the same thing, and my father and mother told me many times when I saw a great bargain, my father would always say, as yours did, just remember, nothing is free. Nothing is free. You always pay something.

But under this IMF request for $18 billion, Secretary Rubin and members of the administration say, it is not going to cost the taxpayer one dime. We heard it today. We have made a new discovery. The American people should be thrilled. They have discovered money that is free. Why send the IMF $18 billion, since it is free? We might as well send them several trillion dollars.

Of course, it is not free. Where it comes from are the hard-working people of all of our constituencies who have never even imagined $18 billion. And where is it going? One of the things that concerns me is that this country was based on the checks and balances of the private marketplace, of capitalism. When you mess up, you go broke. If you do not produce a product that should satisfy the consumer, people quit buying the product and you have to revise the product.

But do Members know what happens with this IMF money? They are going

to take this $18 billion, let it follow money that they have already shipped over there; and, by the way, they will be back, especially if they think the $18 billion is easy money and free money out of the United States Congress.

Besides, they are insulated. The IMF has never talked, the executives of the IMF, in my opinion, have never once talked to a taxpayer in my district, never once gone to somebody pumping gas at the gas station, never once stopped by the ranch and talked to the ranch hand and said, hey, you are the guy paying me, let me tell you what this is doing.

Mr. GUTKNECHT. If the gentleman will continue to yield, Mr. Speaker, not only do they not talk to the taxpayers, the people in Colorado, the people in Wisconsin, the people in Minnesota, they will not talk to us. They will not tell us what exactly they intend to do. They will not tell us what their policies are.

Mr. MCINNIS. It is because it is free. They think they can just go to the Congress and the money is going to flow in. Of course, as I was saying, that money that goes over to these countries, what we are doing there, there are many private enterprises.

Now, in the past with the IMF, what they have done in the history of the IMF, they have bailed out governments of countries that got into trouble, where the entire government was on the verge of collapse. This time, it is different. This time, the IMF is going in to families, private families, who assume the risk, and they are going to bail these families out of a misjudgment. They took a risk.

What we are saying is that we are now making any kind of business ventures outside of the boundaries of our country risk-free. All you have to do is go out, throw out a few hundred million dollars, if you lose it, come to Washington, come to us, and get the money.

Mr. NEUMANN. The amazing thing to me is when you understand what the policy of the IMF is. They have gone into these countries. They have encouraged these countries to devalue their dollar.

Let us translate that so our folks understand exactly what that means, because it is incredible. It is absolutely incredible that the folks, my colleagues from the other side of the aisle, supported this effort today.

When the IMF goes in and devalues the currency in a foreign country, what that means is it makes their goods cheaper to ship to the United States and any American-made goods more expensive to ship to their country.

So how in the world did we have my colleagues on the other side of the aisle, supported en masse by the unions of this country, come out here and vote to not just keep the IMF where it is, because it already has the money to do the things it is doing now, but vote to expand the IMF that is going into these countries and encouraging this devaluation of their dollar system, so that their goods become cheaper to ship into our country and our American-made goods, produced by our American workers, with American jobs, become more expensive in their countries?

I started this thing kind of lighthearted tonight, because this city is so ridiculous, but when you get into these things, it is infuriating that we would take the taxpayers' money from our country, give it to an organization that is going to go to a foreign country, encourage that foreign country to devalue their dollar so they can ship their goods to America cheaper, and our American-made goods and our American jobs, those goods get more expensive.

It is just incredible the way things work in this city.

Mr. GUTKNECHT. Mr. Speaker, if the gentleman will continue to yield, it is even worse than that. They have gone to a lot of our farmers, and obviously we have lost market share in Asia. Whether you are shipping milk and cheese in Wisconsin, whether you are shipping pork and other commodities from Minnesota or whatever, beef and other products from Colorado, a lot of our farm groups have said, we have to do something to get these farm markets back. We certainly agree with that.

But if we take Indonesia, for example, and we take their currency, and we devalue it by 10 or 15 or 20 or 50 percent, 50 percent I think was the number in Indonesia, how much can they really buy from us? The fact of the matter is they cannot buy anything from us anymore, whether it is Spam, whether it is cheese, whether it is beef, or whether it is any other product from the United States. We are really hurting ourselves.

Mr. NEUMANN. And that is the thing that our agriculture industry needs to understand. If this organization goes in with this policy of devaluation and they devalue the dollar in Indonesia by 50 percent, that effectively makes our farm products that much more expensive to ship in Indonesia, and it effectively shuts the markets down.

Before I end this part of our conversation here this evening, though, I would like to come back to the gentleman from Minnesota and compliment him on bringing his Spam from his district to our meetings this morning. I would like to tell him that was excellent, and we certainly are appreciative of the products that are produced in our districts back home.

Mr. GUTKNECHT. I always try to bring it along to the meetings we have on Thursday mornings. It has become almost a tradition. People who have not enjoyed it recently, we do recommend that Spam. You just warm it up in the microwave or fry it, and it is a wonderful product.

More importantly, it is a wonderful product for export. This is a product that we can export anywhere in the world. Asia loves to buy more Spam. But when you devalue currencies, when you raise taxes, as the IMF is recommending to many of these economies, it really is the wrong prescription.

□ 2045

It is a little like giving poison to someone who is already weakened. This is like the old remedies that they had during the Dark Ages where if a patient had a fever, they would do bloodletting. And that is exactly what the IMF has been doing to so many economies. It is the wrong remedy and wrong prescription.

And what is the answer that we are asked to deliver? More taxpayers' money to do exactly the wrong thing.

Mr. MCINNIS. Mr. Speaker, I would just like to say that the summary of what the IMF is asking us to do is to subsidize the IMF so they can turn around and subsidize mismanagement.

These economies, these large private families that took private risks now want the American taxpayer, who by far is the largest contributor to the IMF fund, they want the American taxpayer to subsidize overseas their mismanagement, their miscalculation and their risk. We do not even do it for a farmer in our district that does not get the prices he needs for his milk. We do not go in there and bail them out. We do not reward mismanagement. But we do with this.

I appreciate the opportunity to visit with both of my colleagues this evening and have a discussion about this, because this is an issue which, as the gentleman from Wisconsin (Mr. NEUMANN) said, it is an issue that is complicated. It is hard to understand what IMF stands for, but it is important for us.

I appreciate my colleagues including me in this conversation this evening to try to at least get the message out to our colleagues: Take a second look at this deal. Money is not free. Somebody is paying for it. And in these circumstances, all of our constituencies are paying for this $18 billion to be shipped, wired out of here and wired over to these mismanaged international economies.

Mr. GUTKNECHT. If the gentleman would yield, I think many of us in Congress would be willing to do something to try and strengthen the economies in Asia. I think historically the American people have been more than generous with people around the world. We understand the importance of world trade. We want to strengthen those economies.

But before we give $18 billion to this fund, I think that we in Congress have

a right to some serious discussion and, more importantly, some real answers to some of these questions about what is their policy. What exactly are they trying to impose upon these economies, and what in the end will it really mean in terms of world trade?

Will it mean stronger world trade? Stronger economies? Better markets for American-grown products and produced goods? Or will it in fact have the adverse consequences that we have seen in the past?

I would yield to my colleague from Colorado.

Mr. MCINNIS. And another thing we might ask is, when are they going to pay us back? I think that is a pretty logical question. Somebody borrows money from the bank, the bank says not only when are they going to pay it back, but how are they going to pay it back?

The other thing is that in an economy we have to let correction take place. There has to be that cycle of correction. And what we are doing is really we are doing an injustice to this country. We are avoiding the correction, the necessary correction by bailing it out. That correction will not take place and the next correction they get hit with is going to be much, much harder.

Again, we need to move on to some other subjects, but I do appreciate my colleagues and I appreciate the time that they have allowed me to join them this evening.

Mr. NEUMANN. Mr. Speaker, we appreciate the gentleman from Colorado being with us.

As we started tonight, we talked about the incredible things, and I think my colleagues would all like to be home in their home districts where it seems that common sense has a tendency to prevail more so than it does here. I would like to jump to another topic that I find absolutely incredible.

Over at the White House, the reason that there is a lot of people gone tonight is that they are having a party. They are celebrating the five-year reunion of the biggest tax increase in American history. Think about this. Out in Wisconsin we would celebrate tax cuts. We would celebrate lowering the tax burden on the American people. We would celebrate restoring Social Security and balancing the budget. But we most certainly would not be out there celebrating a tax increase on the American people.

It is just absolutely incredible to me that they would celebrate a tax increase. For anyone who has forgotten 1993, I think we ought to remember exactly what happened in 1993.

In 1993, these people looked at the fact that they had not been able to balance the budget here in Washington. They realized it was a serious problem facing America and they concluded the only thing they could possibly do is raise taxes on the American people and they did.

And I heard my colleague, the gentleman from Mississippi (Mr. TAYLOR) tonight, and so much of what he said I absolutely agreed with, but he said that spending was going up at slower rates before we got here and that is just plain not right.

During the first two years of Democrat control when they had a Democrat House, a Democrat Senate and a Democrat President, spending rose at 3.7 percent, almost twice the rate of Bush's last year. The reason they needed tax increases in 1993 was to fund an increased rate of spending. There are no ifs, ands or buts about this.

I brought a couple of charts with me tonight. Maybe we should go through a few more of the tax increases of 1993 before we bounce to them. If anyone thought they did not have their taxes increased in 1993, listening to the Washington rhetoric, I would understand that because they tried to play this off as a tax increase on the rich. When we start thinking about, who it is that they defined as rich, it becomes a fascinating discussion as well.

First, if someone was a senior citizen getting a Social Security check and they earned $32,000 a year or more, their Social Security tax rate went up. They started paying taxes on a whole bunch more Social Security. So the first group of people that this hit solidly was moderate, low-income senior citizens that earned $32,000 a year or more. They paid more taxes.

If anyone thinks they are not rich because they are not in that group, let me get to the next group. If Americans own an automobile and they fill their car up with gas, they are considered rich under this tax increase package of 1993. The gasoline taxes increased 4.3 cents a gallon in 1993. And as incredible as this seems, when they raised the Social Security taxes they did not put the money in Social Security. They spent it on other programs. When they raised the gasoline tax, they did not spend it building roads. They put the money into their social welfare spending programs.

Mr. Speaker, it is incredible. Small business owners, I used to be in the real estate business and the home building business. I would meet with clients sometimes and we would start at 8:00 in the morning and we would go right straight through to noon. Realtors understand that if they have been with their clients for four hours, they buy them lunch. That is part of business. At lunch the sale is discussed. When they buy the property, the realtor makes a commission and pays taxes on the commission. That is how this thing works. That lunch with those clients that the realtor has been with for four or five hours, that is part of their business expense.

What they did was dramatically reduce the ability of a business professional to write off that particular dinner or lunch with clients where they were selling as part of business, and in real estate that is how we did our business. It is just incredible to me that tonight the White House is celebrating these tax increases.

Mr. GUTKNECHT. Only in Washington, only in Washington dominated by the liberals would we have a birthday party, in effect, an anniversary party of the fifth anniversary of the largest tax increase in the history of the world. Only in Washington.

Mr. NEUMANN. Does the gentleman know what they are saying over there? They are saying that this tax increase somehow balanced the budget. I have brought a couple of notes with me.

Mr. GUTKNECHT. One of my favorite quotes is from John Adams, and John Adams had something to do with writing our Constitution. And John Adams often said, "Facts are stubborn things." And you have some charts which help demonstrate the facts.

Mr. NEUMANN. The gentleman is absolutely right. Facts are stubborn things. Let us get some facts on the table to understand that that tax increase in 1993 was not the right answer to get to a balanced budget.

What I have is a chart and this top line shows where the deficit was going in 1995, two years after this tax increase, if we passed the President's budget. I do not know how I could make it clearer. This shows where the deficit was going after the tax increase if we passed the President's budget.

I mean, this is not like maybe this might have happened. Any person in America can pull this up on the Internet and find this budget and find it scored and they would find deficits in excess of $200 billion, even scored by the President's people. Scored by CBO it was up over $350 billion.

Mr. GUTKNECHT. Those are not our numbers. Those are from the nonpartisan Congressional Budget Office. That even after the enormous tax increases of 1993, had we passed the President's budget, the red line represents how much the deficit was going up over the next five years.

Mr. NEUMANN. The reason for that is very clear. The reason they raised taxes is so they could spend more money in Washington. Remember, this is a picture that starts in 1995, two years after the tax increase. The deficits were nowhere near under control.

When we were elected and came in here together in 1995, when we were elected to the House of Representatives we came with a different idea. We understood that reaching into the pockets of hard-working Americans and bringing more money to Washington was not the right answer. We understood that the way to get this done was by controlling wasteful Washington spending.

This yellow line on the chart shows where we were after 12 months of us

being in office. It is significantly better, but still not done.

The green line shows the plan that we had to reach a balanced budget. And I am happy to report the blue line shows what actually happened. And in fact for the last 12 months running, by Washington's definition, but for the last 12 months running the United States Government actually spent less money than they had in their checkbook.

Our colleague, the gentleman from Mississippi (Mr. TAYLOR), earlier this evening pointed out that that is not really a balanced budget. This is kind of a sad thing here. Washington defines a balanced budget is when the dollars in equals the dollars out. Part of those dollars in are the Social Security money. In the private sector where I come from, when I was running my company I had a pension plan for employees. The money had to be put into the pension fund.

The Social Security money should be put away. But what the gentleman from Mississippi misses in my opinion is that by controlling this growth of Washington spending we have, in fact, reached a balanced budget, even by Washington's definition, for the first time since 1969.

The definition that they have been using, even with all of that Social Security money in there, they have had not a single solitary 12-month period of time since 1969 where they did not spend more money than they had in their checkbook. So it is a monumental accomplishment. The gentleman's point that we still have a long ways to go is absolutely true.

So I want to start with this picture to make it very, very clear that raising taxes did not lead us to a balanced budget. Raising taxes, the President's proposal in 1995 has a huge deficit staring us in the face. It was only when we started controlling Washington spending that we actually started getting to a balanced budget.

Mr. GUTKNECHT. If the gentleman would yield, I think it really illustrates the difference between the two philosophies. One says, and the people who are celebrating down at the White House the largest tax increase in the history of the world, those people are saying the problem was that the American people were not paying enough taxes. What the American people believe, and we believe, is the problem was that there was too much Washington spending.

I think we have proven and we can demonstrate with some of your other charts that by eliminating 300 programs, by beginning to get control of those entitlements, including welfare, including Medicare spending, by doing that we have come closer now, in fact by the old Washington accounting standards, for the first time since Neil Armstrong walked on the face of the moon we will in fact have a balanced budget this year.

It seems to be an incredible coincidence that all of this has happened literally since the 1994 elections, because in 1994 the American people finally said enough is enough. This team has had their chance now for 30 years, they have controlled Washington, they have controlled Congress, they have run up deficits.

And I might just point out that one of the most scary statistics about our deficits and ultimately the debt, and we talk a lot about deficit and sometimes people get confused. There is a difference between the national debt and the deficit. Deficits are annual. But we have run up a debt of over $5.5 trillion on our kids and grandkids. That is a scary statistic. But what is scarier is how much we have to pay every year just to pay the interest on that national debt.

I tell people in my district, because Wisconsin and Minnesota are divided by the Mississippi River, but every single dollar of personal income taxes collected west of the Mississippi River now goes to pay the interest on the national debt. If that is not a scary statistic, I do not know what is.

The charts that we have there, and I want you to talk about it a bit, demonstrates how much we have actually slowed the rate of growth in spending here in Washington since we came and became part of that historic 104th Congress.

Mr. NEUMANN. That is what is so incredible about the party that they are holding in the White House tonight to celebrate the tax increase. For goodness sakes, if we look at what has happened, the red shows how fast spending was going up before we got here. The reason they raised taxes in 1993 was to pay for this spending increase.

This is how fast spending is going up now with the new Congress since 1995. Notice there is a 40 percent decrease in the growth of Washington spending. It is this difference between here and here that has gotten spending under control and gotten us to a point where we have actually spent less money in the last 12 months than in our checkbook.

Every time I say that I acknowledge the Social Security problem. It is the old Washington definition. I sincerely hope that our class is successful in moving this city forward to defining a balanced budget as something that we would accept in Wisconsin or Minnesota.

Mr. GUTKNECHT. We ought to use the same kind of accounting that every business uses and every family uses. Unfortunately, we are still stuck with the old accounting standards used by Washington since 1964.

□ 2100

I might mention a lot of people, a lot of Members who are watching this in their offices, and others, they really need to understand that in 1964 in many respects Washington changed the accounting standards. They went to what is called a unified budget, and many believe that the real reason that they did that is because they wanted to disguise the total of the Vietnamese war plus the total cost of the great society. And by taking all of that money from Social Security that was supposed to go into a trust fund and transferring that into the general fund, they made the deficit look much smaller. In the end, it is real money either way.

Mr. NEUMANN. I just want to bring up another point here because that party in the White House tonight celebrating these tax increases; the gasoline tax increase, the increase on seniors, increase on small business owners, it is so incredible that they would hold a party to celebrate this. I wanted to point out what happened after they raised taxes in 1993, and what this chart shows is exactly what happened to interest rates as soon as they raised those taxes.

You see on the far side of this chart is September of 1993; that is when they passed the tax increase. What you see, this climb right straight up, as soon as they raised taxes, interest rates started climbing. And they climbed right straight through until November of 1994, when we elected a Republican Congress. And why did it change in November of 1994? It changed because the people understood that we became committed to controlling Washington spending, and we were not going to go out and raise more taxes on the hardworking people of this country.

So what happened when we got here is they slowly, gradually started to understand that we were serious about getting Washington spending under control because here is what happened next. Those interest rates started tumbling. The reason they started tumbling is because when Washington spends less money, they borrow less money out of the private sector.

When there is less money coming out of the private sector to Washington, that, of course, means there is more money available in the private sector. With more money available in the private sector, and increased availability of money, it does not take Einstein to figure out, with more money available, the interest rates went down.

You can see they have been consistently below this point since we were here, some ups and downs as you go forward, but they have always stayed consistently below where they were at the peak after they raised taxes. That is why it is just incredible.

Are they celebrating over at the White House that the American people that wanted to buy a house or car got to pay more interest? What is it that they are celebrating over there? Are they celebrating they got to pay more

taxes, or are they celebrating they got to pay more interest for their taxes and cars?

I keep coming back to, I guess I should have been on a plane back to Wisconsin tonight where we get back to some common sense out there. It is incredible in this city that they are holding a party to celebrate, for goodness sakes, to celebrate higher taxes and higher interest rates.

Mr. GUTKNECHT. I might just point out about that chart, it is no secret that interest rates peaked on election day of 1994. They trended down dramatically after the people on Wall Street, and more importantly the people on Main Street began to believe that the new Congress was serious about controlling spending. You see a couple of blips up there.

I think those correspond almost exactly with those periods when it looked as if we were going to lose that fight in terms of balancing the budget and paying down some of the debt in this country. And when the American economy, when Americans, as I say, from Wall Street to Main Street started to think that perhaps we were not going to succeed, we saw interest rates begin to trend upward.

But generally speaking, they know better sometimes than the pundits and the pollsters and whatever that it has been the Republican Congress since we came here in 1994 that has put a lid on Federal spending and said the problem is not that Americans do not pay enough taxes.

The problem is that Washington spends it so rapidly. If I could just close with this on this particular issue, there was a farmer in my district who said it so well and so simply, better than I can say it, and I quote him, and I am sorry, I do not have his name. But he once, I was out meeting with farmers one day and he said, talking about Federal spending and the deficit and the debt, he said the problem is not that we do not send enough money into Washington. He said the problem is that you guys spend it faster than we can send it in. And that, I think, is the best way to say it.

The problem was not that Americans were not paying enough taxes. They can celebrate down in the White House because I think it demonstrates to the American people more clearly than anything else that those folks believe that the problem has been that the American people were not paying enough in taxes. We believe that the American people were right in saying that the real problem was that Washington spent it too fast. We have slowed that spending rate dramatically. As a result, we have a balanced budget.

Mr. NEUMANN. I sincerely hope that the American people will pay attention to this particular situation and to the party that is going on over there at the White House tonight, and I really mean this sincerely. I think every American citizen who believes higher taxes is the right way to solve the economic problems facing our country, and there are some out there, they should all vote for the Democrat ticket in the fall of this year.

I think everybody who believes that we should control Washington spending, they should be voting for the Republican ticket; that believe that taxes are already too high, taxes should come down, we should get spending under control so we can restore Social Security, start paying down the Federal debt, that $5.5 trillion debt that our colleague from Mississippi so eloquently talked about before, the people that believe that controlling Washington spending is the right way to restore Social Security, pay down the debt and get the tax rate under control, those folks should be voting on the Republican ticket. The people that believe higher taxes is the right answer to do the same things, they ought to be voting Democrat.

Mr. GUTKNECHT. There really is a philosophical divide.

Mr. NEUMANN. Reclaiming for just a minute, I do want to point out, interest rates peaked out in November of 1994 when we were first elected. As Main Street America started to understand we were serious, they got all the way down here. It was almost a full year later, if you remember, a full year later we were in that government shutdown period.

This peak occurs shortly after we folded in the government shutdown because the American people thought we were going to go right back to the old spending ways. As they figured out that that was not true, you see the interest rates coming back down again. So the idea that we can control spending directly impacts these interest rates, and we should not just talk about this in terms of the numbers and these lines up here. Let me talk about this in a little different way.

If the interest rate falls by 2 points on a family that has bought a home for $100,000, that means that they keep in their house $2,000 extra money or roughly $160 a month that they get to decide how to spend for themselves. This is not even taxes we are talking about. This is simply because the interest rates are lower because Washington has got its spending under control.

If you take a family of five that went out and bought a three-bedroom, two-bathroom ranch in our neck of the woods, probably $110- $115,000 type home, they have got $100,000 mortgage on it. This means that in that family those parents get to decide what to do with an extra $150, $160 a month. Let me translate that even further.

If this family is looking at this $150 a month and they do not have to spend it on the interest, and they also look at the tax cuts that were passed because the spending is under control so they have this extra money in their house, these families may be able to make the decision to not take a second and third job. And when they do not take the second and third job that they would have otherwise had to take to pay the higher interest rates, to pay the higher taxes that they are over there celebrating about, if they would have had to take that second job, that means they cannot spend the time with their kids.

When they do not spend time with their kids, I have been talking about this 12,000-student survey done here recently, when parents do not spend time with kids, the single common factor in higher crime, more likeliness to have drug problems, teen pregnancy, teen smoking, the single uniting factor in those issues. It was parental time with the kids or parental connectedness. It is not just about charts and numbers; it is about the families out there in America that get to keep an extra $150 a month in their pocket because of the fact that the spending got under control and the rates came down.

Add that to the tax cut rate, and let us hope some of these families will not have to take a second and third job. Let us hope that some of our families will have more time to spend with their kids, and by parents spending more time with kids, education will get much better. We will see lower crime rates. We will see lower drug use, fewer teen pregnancies.

They looked at 12,000 students. This is a given fact. If parents spend more time with their kids, the probability that the kids are going to have drug problems, crime problems, teen pregnancy, smoking problems, the likeliness of the student or the young teenager being involved with these things decreases dramatically.

Mr. GUTKNECHT. Let us talk a little bit about what has happened in America over the last 30 years with the other team in control. I was fortunate; I was raised in the 1950's. So were you. You are a little bit younger than I am.

Mr. NEUMANN. Late 1950's, early 1960's.

Mr. GUTKNECHT. Nonetheless, let us talk about what it was like growing up in the 1950s. In the early 1950s, the average American family sent to Washington about 4 percent of their gross income. And I was really fortunate because my mom and dad could raise me and two brothers, three boys in our family on one paycheck.

Mom was always there when we came home from school, when we were doing things around the house, mom was there. Things have changed a lot in the last 30 years. Back then they paid 4 percent of their gross income to the Federal Government. Today, the average family sends 25 percent of their gross income to the Federal Government. What a difference that makes.

Today, the average family spends more on taxes than they do for food, clothing and shelter combined. And that is what is really driving a lot of the things you are talking about because we have changed the nature of the family. We have decided somehow in Washington that we could spend money smarter than the American family, that by creating more and more government programs that somehow we could improve the moral and the social fabric of this country. The facts just do not bear that out.

As a matter of fact, most Americans now believe that the fabric, the moral fabric of our country today is in worse shape than it was back in the 1950s. More government programs clearly are not the answer. Strengthening the cornerstone that makes our society work, strengthening the American family really is the answer.

Mr. NEUMANN. I might add on the moral front, I think we need strong leadership in our Nation. I think the leadership of our Nation needs to set the example and needs to be an example that people both around the world as well as our own teenagers and our own kids can look to. I have one more chart that I would like to briefly talk about that just lends more to the incredibleness of that party that is going on over at the White House tonight celebrating tax increase.

This shows the level of the stock market. This is between here, and the far side of the chart is between the tax increase and when we were first elected to office. This becomes pretty significant, again not because just the Dow Jones has soared as much as it has. It becomes significant because in our society today when I am at town hall meetings and I ask how many people own a stock or a bond or a mutual fund, I mean virtually every hand in the room goes up.

So we are now talking about not just numbers and the Dow Jones, we are talking about Main Street America, we are talking about families in Jaynesville and Beloit and Racine. We are talking about regular American families that own stocks and bonds. And what happens is since we were elected, we got spending under control, the interest rates came down; no big surprise. People started buying more houses and cars.

The economy got very strong because with low interest rates and available capital there is more jobs available and naturally we expect the economy to be strong. And that is exactly what is reflected in this chart as the Dow Jones rose dramatically since we were elected in 1994, late 1994. Again, I think what is important, here we are talking about the opportunity for people in our age group, people in their 50's and people in their 60's to retire and have a better life-style than what perhaps they would have otherwise had because they have got their money invested in these stocks and bonds and mutual funds so when they sell them off, of course, they are going to get to keep more money. Hopefully, that means a better life-style for them.

So this chart and this talk about budget numbers, that is all nice, but what is really important is that when somebody reaches age 65, if they put their money back in down here, the stock market is up here now, when they take those bonds and cash them and get the money, they can now live a better life-style, provide better health care for themselves and their family, provide a better life-style in general than they otherwise would have been able to do. It is not just numbers and charts and graphs, it is about a better life-style and the opportunity for a better life-style.

Mr. GUTKNECHT. Those numbers are a little small to read. What it really says is that under the old policies of the past with higher taxes and more spending, the market was growing at about 18 percent, had grown about 18 percent. Since the American people said enough is enough, and let us elect a whole new team to run things, and let us control spending instead of just raising taxes. In fact, let us control spending and allow families to keep more of what they earn and invest, the market has grown by 136 percent.

So they are celebrating the failed policies of 18 percent and we are talking about growth of 136 percent. And you are right, in the end it really is about quality of life and a lot more people can enjoy a higher quality of life when you have a stronger market, lower interest rates. You can have an economy that is growing at 3 and 4 percent, which we believe it should grow at, than you can with an economy that is only growing at 1.8 percent.

We have not even talked about the real impact in terms of welfare and what we have done for poor people and allowing people to get on the ladder and climb that ladder of success and go from poverty and get that job and begin to grow and invest and grow with this economy.

□ 2115

I think the most exciting thing that has happened since my colleague and I came to Washington is that we cut the welfare roles by 2.2 million American families. And a lot of people thought, when we were talking about reforming welfare, they said, this is an accounting exercise, and it is just about saving money. Well, welfare reform is not so much about saving money as it was about saving people. It was about saving families. It was about saving children. It was about saving those kids from one more generation of dependency and despair.

I think one of the greatest victories we have had since my colleague and I came to Congress is this victory over welfare. We have got a long ways to go, but enormous progress has been made.

Mr. NEUMANN. Reclaiming my time, I would like to point out one other thing that is very, very important when we look at this picture and rise in the stock market and we see the number of people that now own stocks and bonds and mutual funds in America, I think we should also talk about the fact that, because Washington is under control, as they make this additional profit, as they make more profit, of course, they pay more taxes and make the problem easier to solve, but now the tax is already at a lower rate because, last year, for the first time in 16 years, we actually lowered taxes.

What a direct contrast between what they are celebrating over there in the White House, the biggest tax increase in American history, and what has happened since then where we are now able to lower taxes while still achieving, albeit the Washington definition, the first significant step towards getting us to a real balanced budget. It is exciting to think about.

By the way, I hope people make profit. I sincerely hope that the people that have invested in this stock market make profit and make money. That is what investing is all about in America. It is not evil and rotten in America to make an investment and make a profit from it.

Now that tax rate on that profit, it used to be $28 out of every $100 we earned or made on our investment came to Washington. Now it is only $20 out of every $100. So it went down from 28 percent down to 20 earned.

I found we need to mention the other side of this. If they are earning less than $40,000 a year, it is amazing how many people are still in the stock market and bonds even in the low and moderate income brackets. If they are earning less than $40,000 a year, the capital gains tax rate dropped from 15 down to 10. So, again, it is not only this picture of the growing stock market, it is the impact on real lives of real people by reducing the tax rate.

The next topic that we talked about, if it is all right if we move on.

Mr. GUTKNECHT. I think we should. My colleague mentioned several times about the old accounting standards and how we use Social Security to make the deficit look smaller. I think we need to talk about it. Because the truth of the matter is, and I think the American people understand, we have made enormous progress, if we look at where we were just 4 years ago in terms of the deficit going up.

As a matter of fact, we need to be reminded that when the Congressional Budget Office scored the President's budget back in 1995, shortly after we came here, they said by the year 2002 we would be looking at deficits of $322 billion. And that is when we began to

roll up our sleeves. We have eliminated 300 programs. We have dramatically changed the way the entitlements worked. We reformed welfare and Medicare and Medicaid. We made a lot of changes. And, as a result, we cut the rate of growth in Federal spending by about 40 percent. So where we were 4 years ago was headed towards disaster.

Where we are today is that the economy is stronger, the deficit under the old accounting standards is gone. And I think my colleague and I have been working on some of the numbers. My colleague does a better job, it seems to me, than almost anybody in Washington in terms of predicting where the economy is going and what it is going to mean to our budget.

My colleague is predicting, and frankly I agree, that we are going to see a surplus by the end of this fiscal year of somewhere in the area of $50 billion. That is good news. But what gets even better as we look forward, we are going to see surpluses perhaps if we continue to exercise the kind of fiscal discipline that we have for the last couple of years. If we continue that kind of discipline, we can actually see surpluses in the area of $250 to $300 billion. And what a great debate to have.

And now we can start talking about how do we save Social Security? How do we make some of those changes permanent so we can begin to guarantee our kids a better standard of living and a better quality of life in the future?

I would be happy to yield back. Because I say, nobody in Congress has done a better job than my colleague has of creating a model and a computer model so that we really have a blueprint of where we can go in the future.

Mr. NEUMANN. I do think it is important. And when I listened to the gentleman from Mississippi (Mr. TAYLOR) earlier tonight, my colleague, who I have the greatest respect for, most everything he said, I really agree with except for the pessimistic side of it. We do not have to be pessimistic in America. We do not have to say our best days are behind us.

I will never forget at basketball games. I coach a lot. As a matter of fact, we just signed up for a couple more tournaments that my son and some of his friends in school will be playing in, one in Kenosha, one up in Omro, Wisconsin, and perhaps one in Oconomowoc. And we get into these basketball games and sometimes we are behind at halftime. And I like to compare this to what has happened in America over the last 20, 30, 40 years.

We are behind right now. But when we get into halftime and we are down by 12 points in a basketball game, I always tell our young players, in the first half of this game they beat us by 12 points. Now we got the second half. Let us go out and make sure we beat them by 13 points so we actually win the game.

We do not have to conclude because of the problems we have in America today that our best days are behind us. We can go out and play the second half of this game, the second half of our lives, if you like, and we can make sure that by 20 or 30 years down the road, a generation from now, we can make sure we have done the right things to restore this Nation. I do not think we have to be pessimistic about the future.

My colleague was talking about what is happening around us right now. We do not have to do anything different than the first 3 years we have been in office. We just have to hold the constraints on spending. If we hold the constraints on spending that we have had here, government spending is going up at roughly the rate of inflation. So let no one out there misconstrue this, that somehow it is being twisted or dramatically cut back somehow. It is not. Government spending is still going up at the rate of inflation, too fast in my opinion.

But for all the people around the country, it seems to be a rate they have learned to live with over the last 3 years. If we can keep government spending going up at the rate of inflation, because revenues go up because of both inflation and real growth in the economy, these large surpluses start to appear.

In all fairness, if I were the American people and I were listening to this concept that we might actually have these large surpluses, I would use the line "show me the money" to believe it. But I would point out, a year ago we were on this floor doing special orders, predicting surpluses in fiscal year 1998, and they were laughing at us.

We are now on the floor, and it is a given fact, that the United States Government will spend $50 billion less than it has in its checkbook this year. So what they were laughing at a year ago is reality today.

Mr. GUTKNECHT. If the gentleman would yield, I remember on the floor of this House, in fact, he came and we did some town hall meetings, one in Winona, Minnesota, and one in Mankato. And I think a lot of people thought we were crazy then when we said there was a very good chance that we would actually balance the budget this year. This was a year ago. And my colleague and I were a very small fraternity then who believed not so much that we believed at what was being done in Congress, I think the real thing was we believed in the American people.

The American people do not need a big incentive. They do not need large incentives to do what they have done throughout the generations. And literally since the pilgrims landed at Plymouth Rock, the history of this country has been that people would work, they would invest, they would save, they would produce and ultimately produce more wealth for more people.

The marvelous thing about this free enterprise system we have in the United States is that it has an enormous propensity to produce wealth not just for the wealthy but for all Americans.

John Kennedy reminded us back in the sixties that a rising tide lifts all boats, and that is what we are seeing in this economy. It is not perfect. There are still people being left behind. And we have to be aware of that and do what we can to pull our brothers along.

But the American people are doing what they have always done before, and that is they have been investing and saving and producing. They have been growing wealth and growing jobs and growing the economy. And, as a result, we have more revenue than anybody except perhaps my colleague would have predicted just a year ago.

Mr. NEUMANN. The good news is, if we get to a point where this does keep going, we keep spending under control and revenue just keeps growing like it has been for the last 3 or 4 or 5 years and it just keeps doing what it has been doing, these $250 billion surpluses are not far off. That means we can both put the money aside for Social Security and start paying down the Federal debt so our children might inherit a debt-free Nation and lower the tax burden on the American people. We can do all three of those things if we just manage to stay under control with spending in this city.

We talked about some incredible things here and we talked about how sometimes common sense in Washington and Wisconsin and Minnesota are very, very different. I would like to bring up one more topic, and then I would like to take the last few minutes to kind of close with a vision where we are going on the future.

The topic I would like to bring up is the needle exchange. This is perhaps as incredible as any discussion I have ever seen in this city. What they are proposing that we do, and as a matter of fact, the law was actually passed that this happened, is that the United States Government provide clean needles to drug users. Just think of it. We are not talking about legal medication here. We are talking about illegal drug users being able to turn in their dirty needles and get brand new ones.

What is really incredible about this is when they started to implement the program in various parts around the country, they traded in one dirty needle and got 39 new ones. Now, I do not know what my colleague thinks about this. But in my mind it does not take Einstein to figure out that if they turned in one dirty needle and got 39 new ones, the United States Government just became an agent in promoting the use of drugs in the United States of America; and that is pathetic.

I am happy to say that at least temporarily they have stopped this needle exchange program. But the law is still on the books, and that law needs to be changed. It is incredible that we would in this city decide that the right way to solve drug problems is to somehow trade dirty needles in for clean needles. It is just incredible that we would make that sort of decision.

Mr. GUTKNECHT. I do not think the people back in Wisconsin or Minnesota, at least the common-sense people sitting around the coffee shops and the feed mills, I mean they would say this is crazy, especially when we are supposedly having a war on drugs.

In fact, what makes it even more bizarre is we have some folks in Washington who want to have this war on tobacco. And, on the one hand, we are going to do everything we can, and I certainly support the notion of doing everything we can to try and keep kids from starting smoking, but, on the other hand, we have some of the most dangerous drugs which we know, for example, if they are a heroin addict ultimately it will kill them; and somehow we have this bizarre notion that we will make it safer by providing clean needles to heroin addicts.

This is sort of the tortured logic that has run this city for too long, and I think we have got to get back to some of those old-fashioned notions, things like personal responsibility and ultimately calling things the way they are and saying we have got to do everything to keep people from using heroin rather than making it easier for them to use heroin with cleaner needles.

Mr. NEUMANN. We have spent an hour here tonight talking about some of the incredible things going on in this city from IMF funding to the strange way that we found support in this Congress for IMF funding today. We found that people that voted against it were people that we might have thought might vote for it, especially people that represent union districts supporting an agency that is encouraging devaluation of the dollar. Which means foreign goods come in cheaper and our American made goods cost more, which means we lose American jobs.

We talked about the party going on at the White House where they are celebrating tax increases, where what we ought to be doing is celebrating the tax cuts from last year. And we talked about the needle exchange.

I would like to kind of conclude this evening by not talking about something incredible, but rather talking about where we might go in the future with this great Nation that we live in; and I would like to kind of present a vision here for where we might go with America both from an economic front and from a social front. Let me start on the economic side because we have talked about it already a little bit tonight.

On the economic side, I think the first thing we need to do is make sure that Social Security is safe and secure for every senior citizen in the United States of America. I believe our seniors have the right to get up in the morning and not worry about whether their Social Security check is going to be there. So the first thing economically, let us make sure Social Security is safe for our senior citizens.

Second, we have got a $5½ trillion debt staring us in the face. Let us start making payments on that debt, much like we would pay off a home mortgage, and let us pay off the debt so our children can inherent a debt-free nation instead of having a legacy of a $5½ trillion debt.

The third thing, the tax rate is too high. The tax rate in America, if we look at State, local, Federal, property taxes, if we look at all taxes people pay, $37 out of every $100 they earn in America today goes to taxes of some form. So on this economic side, let us get a vision. Restore Social Security so our seniors are safe, pay off the debt so our children can inherent a debt-free nation, and let us get that tax burden down to not more than $25 out of every $100 the people earn, instead of the $37 that it currently is.

A lot of people would say that is pie-in-the-sky vision. I tell my colleagues, 3 years ago if we said we were going to balance the budget by 1998, they would say that was pie-in-the-sky. I believe in America and I believe what our people can do in this great country that we live in. It is possible to achieve these economic goals.

Let us go to the social side for just a minute. On the social side, I think education is the number-one problem facing the United States of America. Our kids have dropped to 21st in the world in education. I think the right answer to education is not Washington going out and spending more money on education. The right answer on education is empowering our parents to be actively involved in deciding where our kids go to school, what they are taught, and how they are taught it.

If we can just empower our parents to be actively involved in the kids' education, all kinds of things will change. It is the right way to bring education back up. More Washington control, more Washington dollars. Taking that responsibility away from the parents is the wrong answer. The right answer is parental involvement in the education system.

Now I am going to refer back to that study I talked about before of 12,000 teenagers. When parents are more actively involved in their kids' school, there is a side benefit. When parents are more actively involved in what their kids are learning, there is a side benefit. And the study of 12,000 teenagers pointed it out directly.

□ 2130

There is an immediate impact. The more parents that are involved with their kids, the less likely it is that the kids will be involved with crime, the less likely it is the kids will be involved with drugs, the less likely it is that the kids will have teen pregnancies, and the less likely it is the teens will be smoking.

So when we talk about those social problems facing America, the single most important thing that we can do is empower our parents to get more actively involved with our kids.

Both sides of this issue, both sides of this chart are intertwined in that, if we can reduce the tax burden from $37 out of every $100 the people earn down to $25 out of every $100 the people earn, we will be in a position where parents are no longer forced to take a second and a third job.

When they do not take the second and third job, they will have more time to spend with their kids. More time involved with their kids' education will automatically improve the education of their kids. And as they spend more time, the side benefits of less crime, less drugs, fewer teen pregnancies, and less teen smoking is an automatic outcome based on the survey that we just looked at. Again, the survey of 12,000 teenagers, the survey is accurate.

The last thing I would mention on the social side is something I did not really understand when I first came to Congress 4 years ago. I did not understand what a partial-birth abortion was. I am pro-life, so I understood the abortion issue reasonably well, but I did not understand partial birth.

When someone first explained to me that, in the third trimester of a pregnancy, in the seventh, eighth, or ninth month of a pregnancy that they would partially deliver a baby, and then with the baby going to live if they finish the delivery, at the last second, they would kill the baby in this abortion. A seventh, eighth or ninth month killing of a baby that would otherwise live is what a partial birth abortion is, and that is just plain wrong.

Wherever you are at on the abortion issue, I know from the State of Wisconsin, in the House of Representatives, the people that are pro-choice that are Democrats, the people that are pro-choice that are Republicans, the people that are pro-life Democrats and pro-life Republicans, all of them voted to end partial-birth abortions in America.

When I think about a social agenda, I do not believe that our free society now understanding what is happening in a partial-birth abortion can allow this to continue. It is one thing to not understand it; it is another thing to know about it and not do something about.

I would like to close tonight with a thought that I think about regularly. I

think about this country and where we are at and where we have come over the last 40 years. I think about the problems in the White House and the message that that is sending to our kids, and I think about all of these social problems facing America and the education problems, and I think about the financial problems. These words just keep ringing in my ears. I keep hearing these words that, in order for evil to succeed, good people need only sit idly by and watch.

I wonder, when generations look back on our generation, and they ask what kind of people were these? Were these the people that sat quietly by, were these the good people that sat quietly by while evil succeeded during their generation?

Folks, we over the next 10, 15, 20 years, will we be the people that said enough is enough? We are not going to spend our children's money anymore. We are not going to take that money out of the Social Security Trust Fund. The taxes are too high, and we are going to get it down. We are going to pay off this debt so our kids get a debt-free nation.

We have had it with our kids being 21st in education in the world. They are going to be number one again. When they are number one with our parents more actively involved in their lives, the crime rate goes down, the drug use goes down, teen pregnancies are fewer, less teen smoking. We end partial-birth abortions.

Are we going to be the people that history looks back on and say that was the people in our society, that was the people in America that said enough is enough. The good people would no longer stand idly by and watch evil succeed. They are the people that stood up and took this country back and provided our children with a safe, secure moral future.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3156

Mr. COOKSEY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3156.

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

There was no objection.

REPUBLIC OF TURKEY SEEKING U.S. APPROVAL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I do not plan to use very much of the hour this evening, probably about 15 or 20 minutes.

My topic relates to foreign affairs and U.S. relations with two countries that I feel very close to. One is Armenia. I happen to cochair the Armenia Caucus in the House of Representatives. And also India, another country where I cochair our Members' caucus that we have with approximately 100 Members, in the case of the India Caucus, and I think 65 or so in the Armenia Caucus.

I would like to turn first to the situation in Armenia. I should say really threats, if you will, to the Republic of Armenia, and also the Republic of Nagorno Karabagh that are coming, once again, from its neighbors.

I would like to specifically address a very troubling situation involving the possible transfer of sophisticated U.S. arms to Azerbaijan, an unstable and undemocratic regime. There have recently been press reports suggesting that the Republic of Turkey, another neighbor of Armenia, is seeking U.S. approval to sell F-16 fighter planes, assembled in Turkey, but based on a U.S. license, to the Republic of Azerbaijan.

According to the press reports, the idea of arms sale emerged during talks between government officials from the two countries regarding a Turkey-Azerbaijan defense agreement.

Mr. Speaker, for the transfer of the F-16's to take place, Turkey would have to seek permission from the United States and also of NATO. I have come to the House floor tonight to ask my colleagues to join me in urging our administration to reject any such proposal and discourage Turkey's growing role as an arms supplier to such volatile regions as the Transcaucasus and the Middle East.

In the next few days, I will be seeking signatures for letters to our President and other key national security officials in opposition to the Turkish sale of F-16's to Azerbaijan. Indeed, Mr. Speaker, it is inconceivable to me, and I think to most of the American people that our military, diplomatic, and intelligence agencies would even contemplate such a proposal.

While all the facts about the F-16 deal are still somewhat in dispute, these recent reports are the latest indication of a growing military and political alliance between Turkey and Azerbaijan, a very troubling development in terms of peace, stability, and democracy in this strategically important Caucasus region.

Both Turkey and Azerbaijan continue to maintain blockades of their neighbor, Armenia. These blockades, which are both illegal and immoral, have made it extremely difficult for much-needed emergency food, medicine, and energy supplies to reach the people in Armenia, including supplies sent by the American people.

In addition, Azerbaijan continues to refuse to compromise on negotiations to achieve a settlement over the Nagorno Karabagh conflict. Nagorno Karabagh is a region that has been primarily populated by Armenians for centuries, which has proclaimed its independence about 10 years ago, but which continues to be claimed by Azerbaijan. As a matter of fact, Azerbaijan also continues to maintain a blockade of Nagorno Karabagh, causing significant human hardship there as well.

Mr. Speaker, when I was in the region earlier this year in the Caucasus, in the frontline area of Karabagh, which was the target of constant sniper fire from Azerbaijani forces, I became aware of a very disturbing fact, which I would like to point out this evening.

The equipment that was being used by the Azerbaijani forces, from the weapons right down to the uniforms, were American and NATO supplies, provided to Turkey and then funneled to Azerbaijan.

Of course, Turkey, as we know, is a NATO ally, despite the fact that, unlike the other NATO countries of North America and Western Europe, Turkey is a country with numerous restrictions on democratic and civil liberties and a terrible human rights record.

But while Turkey is a NATO member, Azerbaijan is not, and it should not be receiving American military equipment, particularly not anything as sophisticated and dangerous as F-16 aircraft. Turkey should not be supplying such equipment to other nations.

Mr. Speaker, Azerbaijan is not exactly one of the democratic success stories of the former Soviet Union. In fact, the leader of Azerbaijan, Heydar Aliyev, is a former Communist Party boss who seized power in a coup and has led an authoritarian regime ever since. He has not permitted opposition political organizations or a free media.

More shocking, while oil wealth begins to pour into the Azeri capital of Baku, President Aliyev has done nothing to relieve the suffering of his own people in the countryside of Azerbaijan. Yet, it is precisely the huge oil wealth and Azeri territory in the Caspian Sea that has led Western Governments, including, I am sorry to say, our own government, to tolerate and promote this antidemocratic regime.

The combination of the oil resources in Azerbaijan and Turkey's position as a NATO member have led to excessive tolerance, in my opinion, on the part of our State Department for these two regimes and their growing military partnership.

I just hope, Mr. Speaker, and this is the last thing I would like to say tonight on this subject, is I just hope that the proposed Turkish-Azerbaijani F-16 sale will be where we finally draw the line in our support for this undemocratic regime and the dangerous situation that the F-16s might pose if this sale were ever allowed.

Now, Mr. Speaker, if I could, I would like to switch now and talk again briefly about the situation in India. I would like to make a very positive statement, if I could, about the recent visit to India by some of our U.S. officials representing the President. I speak today specifically about U.S. Ambassador to the United Nations, Mr. Bill Richardson, a former colleague of ours in the House of Representatives; Assistant Secretary of State for South Asia, Mr. Karl Inderfurth; and Director for South Asia in the National Security Council, Mr. Bruce Reidel, who recently made a very successful trip to India.

Indian and American officials associated with the trip have stated that the meetings were conducted with exceptional warmth, which can only indicate that U.S.-India relations have never been stronger.

I wanted to say, Mr. Speaker, that Ambassador Richardson and Secretary Inderfurth have traveled to South Asia in preparation for President Clinton's trip to the subcontinent, which was scheduled for this fall. As you know, President Clinton's trip to South Asia will be the first by an American President that has taken place in over 20 years.

These meetings were not intended to produce high-level agreements, but they gave senior administration officials the opportunity to meet with senior officials from the newly elected Indian government. The government in India changed hands. It was an election in March, and a new government took office in early April. Numerous issues were discussed with our U.S. officials and the new government, and I am pleased to see that the talks were very positive.

I wanted to talk about some of the issues that were discussed, because I think they are important. The U.S. delegation spent much of its time encouraging the reassumption of dialogue between India and Pakistan. This was something that the previous Prime Minister Gujral had encouraged quite a bit.

Talks between these South Asian neighbors had abruptly ended in September just prior to the new election cycle when both countries failed to resolve their differences over Kashmir. Fortunately, soon after Ambassador Richardson and Secretary Inderfurth had left South Asia, reports indicated that talks between the two countries may resume after a summit meeting of the Indian and Pakistani Prime Ministers during the SAARC meeting in July. So we are very hopeful that we are going to see the reassumption of these talks, and I was very pleased to see that our representatives encouraged the reassumption of the dialogue between India and Pakistan.

Mr. Speaker, both the United States and India also, I would note, were very willing to discuss sensitive and controversial issues. For example, Ambassador Richardson stated that the United States will continue to work with the Indians in curbing the development of the nuclear weapons program, but that the nuclear issue would not dominate the dialogue between the two countries.

The U.S. Delegation informed Indian officials that the United States was pleased that the Indians had shown restraint after Pakistan had test-fired the Ghauri missile. I would like to inform Members of this body that the Defense Department is ready to consider sanctions against Pakistan following the firing of the missile.

A spokesman from the Pentagon recently stated, and I quote, that the United States has imposed sanctions against Pakistan in the past under the Missile Technology Control Regime. We are continuing to review the particular case and that review was in its advanced stages.

I would like the administration to look very closely at this issue. I am concerned that China or North Korea might have provided Pakistan with the technical information for the Ghauri missile. The continued illegal transfer of missile and nuclear technology may lead to further instability in South Asia. That is why I continue to oppose the administration's certification that will allow the United States to transfer nuclear technology to China.

Mr. Speaker, China is known to have transferred nuclear technology to Pakistan, so we should not be transferring any kind of technology to China that ultimately could be transferred to Pakistan.

I would also like to note that, on the heels of Ambassador Richardson and Secretary Inderfurth's trip, reports from India indicate that the United States and India are set to reinitiate civilian nuclear cooperation after 20 years. This partnership will focus on bilateral research projects and aimed at the improvement of the operational safety of India's nuclear power plants.

The first meeting between the two countries is scheduled to take place in the U.S. later this year. U.S. law will govern the exchange of civilian nuclear officials. The proposed safety cooperation between our countries would not involve the transfer of technology or controlled information or commodities from the U.S. to India. But increased dialogue on nuclear issues between our two countries can only lead to a safer and cleaner nuclear environment. So again, this is a very positive development.

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During the meetings that took place with Ambassador Richardson and Secretary Inderfurth the United States also acknowledged India's bid for permanent membership on the United Nations Security Council.

Now basically what the U.S. position is, and they basically stated it again at this meeting, is that the U.S. endorses Security Council reform and the U.S. supports the inclusion of Germany and Japan and one country each from Latin America, Asia and Africa. The United States, however, would allow the regions to determine who their representatives would be.

So United States is saying that there should be another Asian representative, but it does not necessarily have to be India.

I have to say, though, that in private discussions with administration officials there is no question in my mind that they support India's bid, and I hope that the United States public policy will ultimately be supportive of India being a permanent member of the Security Council.

There was also discussion between the U.S. and Indian officials during this recent trip on the need to fight terrorism. Ambassador Richardson had called on India's prime minister and home minister and had shared their concern over Pakistan-sponsored terrorism in Jammu and Kashmir and in other parts of India.

Obviously, again, the United States needs to do more to fight terrorism, to basically put pressure on Pakistan to not encourage and to harbor and train terrorists on its soil, and hopefully the comments that were made by Ambassador Richardson and Mr. Inderfurth will mean that the U.S. takes a more proactive view and tries to basically pressure, if you will, Pakistan into not encouraging terrorism in Kashmir and in other places in south Asia.

Both countries also discussed, very importantly I would say, the need to increase trade and investment. Finance Minister Sinha was just in the United States last week, this is the new finance minister in India, in the Indian government, and he assured U.S. business leaders that the new BJP government was not anti-foreign investment and that economic reforms would be accelerated with the new government. He recently stated that there was no doubt about the continuity of the reform process, and the finance minister said that the Indian government would seek foreign investment, particularly infrastructure like roads, railways, power, rural and high technology sectors, and he assured investors that the new government would continue the deregulation process to help build a strong private sector.

Now once again this is very important. One of the goals of our India Caucus is to promote more trade and investment by U.S. businesses in India. It is very important to see that the move towards a market economy, towards privatization, continues under the auspices of this new government.

There was a lot of attention paid during this recent trip to the so-called

strategic dialogue that has been initiated by U.S. officials, and I would like to see the strategic dialogue extended into the defense area.

During the trip Defense Minister George Fernandez and the U.S. delegation agreed that more cooperation was needed in technology and military-to-military exchange, and I think that India, Mr. Speaker, can be a bulwark against the expansion of China's military in Asia. India should be more integrated in my opinion into the U.S. defense framework, and it should be able to buy military equipment and supplies from the United States on an equal basis with other allies. The strategic dialogue being fostered by the U.S. officials' recent trip I think will hopefully lead in this direction.

And finally, Mr. Speaker, my overall goals and the goals of the India Caucus include bringing India and the United States closer together, making India more of a foreign policy priority for the United States and, again, increasing U.S. trade with and investment in India. And I believe very strongly that this recent trip by U.S. officials to India has clearly helped to achieve these goals and is going a long ways towards improving our relationship on almost every level with India.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MILLER of Florida (at the request of Mr. ARMEY) for today after 1:00 p.m. on account of attending his daughter's wedding.

Mrs. MEEK of Florida (at the request of Mr. GEPHARDT) for today after 2:00 p.m. on account of personal reasons.

Mr. YATES (at the request of Mr. GEPHARDT) for today after 6:00 p.m. on account of physical reasons.

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 Mrs. CAPPS) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Ms. CARLSON, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

(The following Members (at the request of Mr. MCINNIS) to revise and extend their remarks and include extraneous material:)

Mr. LATHAM, for 5 minutes, today.

Mr. BRADY, for 5 minutes, today.

Mr. HUTCHINSON, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. MCINNIS, for 5 minutes, today.

Mr. DELAY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. CAPPS) and to include extraneous matter:)

Mr. HILLIARD.

Mrs. KENNELLY of Connecticut.

Mr. HAMILTON.

Mr. LAMPSON.

Ms. DELAURO.

Ms. ESHOO.

Mrs. MEEK of Florida.

Mr. MENENDEZ.

Mr. NEAL.

Mr. TOWNS.

Mr. KENNEDY of Massachusetts.

Mr. KUCINICH.

Mr. KLECZKA.

Mr. BARCIA.

Ms. VELÁZQUEZ.

Mr. SHERMAN.

Mr. SKELTON.

Mr. POSHARD.

Mr. KIND.

(The following Members (at the request of Mr. MCINNIS) and to include extraneous matter:)

Ms. ROS-LEHTINEN.

Mr. MCINTOSH.

Mr. WALSH.

Mr. GREENWOOD.

Mr. GALLEGLY.

Mr. SOLOMON.

Mr. GRAHAM.

Mr. RADANOVICH.

Mr. BUNNING in two instances.

Mr. SMITH of Michigan.

Mr. COLLINS.

Mr. DAVIS of Virginia.

Mr. COBLE.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until Monday, April 27, 1998, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

8593. A letter from the Deputy Chief, Programs and Legislation Division, Department of the Air Force, transmitting notification that the Commander of Hill Air Force Base (AFB), Utah, has conducted a cost comparison to reduce the cost of operating grounds maintenance, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

8594. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—International Banking Regulations; Consolidation and Simplification (RIN: 3064–AC05) received April 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8595. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA–7684] received April 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8596. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA–7685] received April 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8597. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [44 CFR Part 65] received April 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8598. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [44 CFR Part 65] received April 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8599. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–7249] received April 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8600. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–7236] received April 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8601. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations (44 CFR Part 67) received April 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8602. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations (44 CFR Part 67) received April 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8603. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations (44 CFR Part 67) received April 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8604. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations (44 CFR Part 65) received April 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8605. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the Council's 1997 Annual Report to Congress, pursuant to 12 U.S.C. 3305; to the Committee on Banking and Financial Services.

8606. A letter from the Chairman, National Credit Union Administration, transmitting the 1997 Annual Report of the National Credit Union Administration, pursuant to 12 U.S.C. 1752a(d); to the Committee on Banking and Financial Services.

8607. A letter from the Administrator of National Banks, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, transmitting the Office's final rule—Expanded Examination Cycle for Certain Small Insured Institutions [Docket No. 98-03] (RIN: 1557-AB56) received April 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8608. A letter from the Chairperson, National Council on Disability, transmitting the Council's Annual Report for Fiscal Year 1997, pursuant to 29 U.S.C. 781(a)(8); to the Committee on Education and the Workforce.

8609. A letter from the Acting Administrator for Health Resources and Services Administration, Department of Health and Human Services, transmitting the Department's final rule—Grants for the Construction of Teaching Facilities for Health Professions Personnel (RIN: 0906-AA39) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8610. A letter from the Deputy Director, OSG, Department of Health and Human Services, transmitting the Department's final rule—Medicare, Medicaid, and CLIA Programs; Clinical Laboratory Requirements-Extension of Certain Effective Dates for Clinical Laboratory Requirements Under CLIA [HSQ-237-FC] (RIN: 0938-AH84) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8611. 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; State of Missouri [MO 046-1046; FRL-6001-2] received April 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8612. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend title XIX of the Social Security Act to clarify and revise requirements regarding penalties for certain taxes on and donations by health care providers; to the Committee on Commerce.

8613. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the progress made toward opening the United States Embassy in Jerusalem, pursuant to Public Law 104-45, section 6 (109 Stat. 400); to the Committee on International Relations.

8614. A letter from the President, Inter-American Foundation, transmitting the Foundation's Fiscal Year 1997 Audited Financial Statements, pursuant to 22 U.S.C. 283j-1(c); to the Committee on Government Reform and Oversight.

8615. A letter from the Director, Administration and Management, Department of Defense, transmitting the Department's final rule—Defense Logistics Agency Privacy Program [Defense Logistics Agency Reg. 5400.21] received April 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

8616. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the Department's final rule—Justice Acquisition Regulations [48 CFR Chapter 28] received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

8617. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the Commission's Fiscal Year 1997 Accountability Report, pursuant to 31 U.S.C. 3512(c)(3) Public Law 103-56; to the Committee on Government Reform and Oversight.

8618. A letter from the Attorney General, Department of Justice, transmitting a copy of the Annual Report of the Attorney General for Fiscal Year 1997, pursuant to 28 U.S.C. 522; to the Committee on the Judiciary.

8619. A letter from the President, The Foundation of the Federal Bar Association, transmitting a copy of the Association's audit report for the fiscal year ending September 30, 1997, pursuant to 36 U.S.C. 1101(22) and 1103; to the Committee on the Judiciary.

8620. A letter from the Administrator, Federal Aviation Administration, transmitting the Pilot Minimum Flight Time Requirements Study, pursuant to 49 U.S.C. 44935 nt; to the Committee on Transportation and Infrastructure.

8621. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328-100 Series Airplanes [Docket No. 97-NM-62-AD; Amendment 39-10434; AD 98-07-14] (RIN: 2120-AA64) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8622. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Hutchinson River, NY [CGD01-97-125] (RIN: 2115-AE47) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8623. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Richmond Creek, NY [CGD01-98-013] (RIN: 2115-AE47) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8624. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: North River, MA [CGD01-97-126] (RIN: 2115-AE47) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8625. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Sheepscot River, ME [CGD01-97-128] (RIN: 2115-AE47) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8626. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Presumpscot River, ME [CGD01-97-124] (RIN: 2115-AE47) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8627. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Fore River, ME [CGD01-97-127] (RIN: 2115-AE47) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8628. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; AERMACCI S.p.A. Models S.208 and S.208A Airplanes [Docket No. 97-CE-140-AD; Amendment 39-10453; AD 98-08-04] (RIN: 2120-AA64) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8629. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; AERMACCI S.p.A. S.205 Series and Models S.208 and S.208A Airplanes [Docket No. 97-CE-144-AD; Amendment 39-10455; AD 98-08-06] (RIN: 2120-AA64) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8630. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Model PC-7 Airplanes [Docket No. 97-CE-149-AD; Amendment 39-10456; AD 98-08-07] (RIN: 2120-AA64) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8631. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Stemme GmbH & Co. KG Models S10 and S10-V Sailplanes [Docket No. 97-CE-127-AD; Amendment 39-10452; AD 98-08-03] (RIN: 2120-AA64) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8632. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Robinson Helicopter Company Model R44 Helicopters [Docket No. 98-SW-08-AD; Amendment 39-10461; AD 98-04-12] (RIN: 2120-AA64) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8633. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA 330F, G, and J, and AS 332C, L, L1, and L2 Helicopters [Docket No. 97-SW-27-AD; Amendment 39-10462; AD 98-08-13] (RIN: 2120-AA64) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8634. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA 365N, N1 and AS 365N2 Helicopters [Docket No. 97-SW-21-AD; Amendment 39-10463; AD 98-08-14] (RIN: 2120-AA64) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8635. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR42-500 Series Airplanes [Docket No. 98-NM-107-AD; Amendment 39-10457; AD98-08-08] (RIN: 2120-AA64) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8636. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 0070 and Mark 0100 Series Airplanes [Docket No. 97-NM-249-AD; Amendment 39-10450; AD 98-08-01] (RIN: 2120-AA64) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8637. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace: Fayetteville (Springdale), AR [Airspace Docket No. 97-ASW-19] received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8638. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes [Docket No. 97-CE-119-AD; Amendment 39-10438; AD 98-07-18] (RIN: 2120-AA64) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8639. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 98-NM-95-AD; Amendment 39-10448; AD 98-07-26] (RIN: 2120-AA64) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8640. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328-100 Series Airplanes [Docket No. 96-NM-119-AD; Amendment 39-10432; AD 98-07-12] (RIN: 2120-AA64) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8641. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Schempp-Hirth K.G. Models Nimbus-2B, Mini-Nimbus B, Discus a, Discus b Sailplanes [Docket No. 96-CE-19-AD; Amendment 39-10439; AD 97-08-02 R1] (RIN: 2120-AA64) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8642. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300-600 Series Airplanes [Docket No. 95-NM-92-AD; Amendment 39-10451; AD 98-08-02] (RIN: 2120-AA64) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8643. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 340B Series Airplanes [Docket No. 98-NM-49-AD; Amendment 39-10449] (RIN: 2120-AA64) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8644. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Cooperstown, ND Correction [Airspace Docket No. 97-AGL-50] received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8645. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; New Bern, NC [Airspace Docket No. 97-ASO-26] received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8646. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Use Airspace [Docket No. 29179; Amendment No. 73-8] received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8647. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Class E Airspace; Spofford, TX [Airspace Docket No. 98-ASW-21] received April 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8648. A letter from the Acting Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule—Unemployment Insurance Program Letter [No. 18-98] received April 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8649. A letter from the Acting Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule—Indian and Native American Welfare-To-Work Grants Program (RIN: 1205-AB16) received April 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8650. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 98-23] received April 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8651. A letter from the Assistant Secretary for Import Administration, International Trade Administration, transmitting the Administration's final rule—Antidumping Duties; Countervailing Duties [Docket No. 950306068-6361-04] (RIN: 0625-AA45) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8652. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the Administration's final rule—Duty-Free Entry of Space Articles (RIN: 2700-AC12) received April 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8653. A letter from the President, U.S. Institute of Peace, transmitting the Institute's Fiscal Year 1997 Audit Report, pursuant to 22 U.S.C. 4607(h); jointly to the Committees on Education and the Workforce and International Relations.

8654. A letter from the Deputy Director, OSG, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Medicare Appeals of Individual Claims [BPD-453-FC] (RIN: 0938-AG18) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Commerce and Ways and Means.

8655. A letter from the Executive Director, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting a report entitled "The Opening of District of Columbia Public Schools for the 1998-1999 Academic Year," pursuant to Public Law 105-100, section 143; jointly to the Committees on Government Reform and Oversight and Appropriations.

8656. A letter from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's Annual Report for Fiscal Year 1995, pursuant to 42 U.S.C. 2000e-4(e); jointly to the Committees on the Judiciary and Education and the Workforce.

8657. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize activities under the Federal Railroad safety laws for fiscal years 1999 through 2002, and for other purposes; jointly to the Committees on Transportation and Infrastructure and the Judiciary.

8658. A letter from the Deputy Director, OSG, Department of Health and Human Services, transmitting the Department's final rule—Medicare and Medicaid Programs; New Payment Methodology for Routine Extended Care Services Provided in a Swing-Bed Hospital [BPD-805-F] (RIN: 0938-AG68) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

8659. A letter from the Office of Inspector General, Department of Health and Human Services, transmitting the Department's final rule—Medicare and State Health Care Programs: Fraud and Abuse; Issuance of Advisory Opinions by the OIG (RIN: 0991-AA85) received March 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

8660. A letter from the Regulations Officer, Department of Health and Human Services, transmitting the Department's final rule—Health Care Programs: Fraud and Abuse; Revised PRO Sanctions for Failing To Meet Statutory Obligations (RIN: 0991-AA86) received March 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

8661. 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 for Source Category: Pulp and Paper Production; Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards: Pulp, Paper, and Paperboard Category (RIN: 2040-AB97) received April 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on the Joint Committee on Printing and Commerce.

8662. A letter from the Secretary of the Treasury, Securities and Exchange Commission, and Board of Governors of the Federal Reserve System, transmitting Secretary of the Treasury, the Securities and Exchange Commission, and the Board of Governors of the Federal Reserve System: Joint Study of Regulatory System for Government Securities, pursuant to 15 U.S.C. 78o-5 nt.; jointly to the Committees on Commerce, Ways and Means, and Banking and Financial Services.

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. ARCHER: Committee on Ways and Means. H.R. 3546. A bill to provide for a national dialogue on Social Security and to establish the bipartisan panel to design long-range Social Security reform: with an amendment (Rept. 105-493). 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. McINNIS:

H.R. 3715. A bill to authorize the Secretary of the Interior to convey the facilities of the Pine River Project, to allow jurisdictional transfer of lands between the Department of Agriculture, Forest Service, and the Department of the Interior, Bureau of Reclamation, and the Bureau of Indian Affairs, and for other purposes; to the Committee on Resources.

By Mrs. LOWEY (for herself and Mrs. MORELLA):

H.R. 3716. A bill to amend the Public Health Service Act to extend the program of research on breast cancer; to the Committee on Commerce.

By Mr. SOLOMON (for himself, Mr. WICKER, Mr. HASTERT, Mr. BARR of Georgia, and Mr. DELAY):

H.R. 3717. A bill to prohibit the expenditure of Federal funds for the distribution of needles or syringes for the hypodermic injection of illegal drugs; to the Committee on Commerce.

By Mr. DELAY:

H.R. 3718. A bill to limit the jurisdiction of the Federal courts with respect to prison release orders; to the Committee on the Judiciary.

By Mr. BARTLETT of Maryland:

H.R. 3719. A bill to authorize the construction of a monument to honor those who have served the Nation's civil defense and emergency management programs; to the Committee on Resources.

By Mr. DELAY (for himself, Mr. KING of New York, Mr. SOLOMON, Mr. LIVINGSTON, Mr. ARCHER, Mr. STUMP, Mr. DOOLITTLE, Mr. CUNNINGHAM, Mr. ROHRABACHER, Mr. PAUL, Mr. HERGER, Mr. CANADY of Florida, and Mr. HILLEARY):

H.R. 3720. A bill to repeal the Bilingual Education Act and for certain other purposes; to the Committee on Education and the Workforce.

By Mr. BASS:

H.R. 3721. A bill to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for election for Federal office, and for other purposes; to the Committee on House Oversight, and in addition to the Committees on the Judiciary, and Government Reform and Oversight, 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. CHRISTENSEN (for himself, Mr. BARTLETT of Maryland, Mr. BEREUTER, Mr. BURR of North Carolina, Mrs. CUBIN, Mr. DOOLITTLE, Ms. DUNN of Washington, Mrs. EMERSON, Mr. ENSIGN, Mr. GANSKE, Mr. HOEKSTRA, Mr. ISTOOK, Mr. MANZULLO, Mrs. MYRICK, Ms. PRYCE of Ohio, Mr. RAMSTAD, Mr. SESSIONS, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. SISISKY, Mr. TALENT, Mr. THOMAS, Mr. TRAFICANT, and Mr. WOLF):

H.R. 3722. A bill to amend the Internal Revenue Code of 1986 to clarify the standards used for determining whether individuals are not employees; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3723. A bill to authorize funds for the payment of salaries and expenses of the Patent and Trademark Office, and for other purposes; to the Committee on the Judiciary.

By Mr. CUMMINGS (for himself, Ms. KILPATRICK, Ms. DELAURO, Ms. PELOSI, Mr. PALLONE, Mr. MEEHAN, Mr. FROST, Mr. HOYER, Mr. COYNE, Ms. BROWN of Florida, Mr. JACKSON, Mr. SCOTT, Mr. OLVER, Mr. LEWIS of Georgia, Mr. NADLER, Mr. HILLIARD, Ms. SLAUGHTER, Mr. LANTOS, Mr. KENNEDY of Massachusetts, Mr. RUSH, Mr. FRANK of Massachusetts, Mrs. MALONEY of New York, Mr. STARK, Mr. MOAKLEY, Ms. LOFGREN, Mr. OWENS, Mr. KUCINICH, Mr. BORSKI, Mr. GONZALEZ, Mr. BARRETT of Wisconsin, Mr. THOMPSON, Mr. MEEKS of New York, Mr. BONIOR, Mr. CLAY, Mr. DAVIS of Illinois, and Mr. PAYNE):

H.R. 3724. A bill to provide for the continuation of the demonstration program, known as the Healthy Start Initiative, that is carried out by the Secretary of Health and Human Services as a program of grants to reduce the rate of infant mortality; to the Committee on Commerce.

By Mr. GREENWOOD:

H.R. 3725. A bill to make the Occupational Safety and Health Act of 1970 applicable to the United States Postal Service in the same manner as any other employer; to the Committee on Education and the Workforce, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GUTIERREZ:

H.R. 3726. A bill to amend the Electronic Fund Transfer Act to require additional disclosures relating to exchange rates in transfers involving international transactions; to the Committee on Banking and Financial Services.

By Mr. LAZIO of New York (for himself, Mr. QUINN, Mr. HORN, and Mr. BOEHLERT):

H.R. 3727. A bill to provide loan forgiveness for individuals who earn a degree in early childhood education, and enter and remain employed in the early child care profession, to provide loan cancellation for certain child care providers, and for other purposes; to the Committee on Education and the Workforce.

By Mr. OBEY:

H.R. 3728. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act and other laws to return primary responsibility for disaster relief to the States, to establish a private corporation to insure States against risks and costs of disasters otherwise borne by the States, and to provide for reimbursable Federal assistance to States for activities in response to disasters, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Agriculture, Small Business, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PRYCE of Ohio:

H.R. 3729. A bill to ensure that prisoners are not permitted unsupervised access to any interactive computer service; to the Committee on the Judiciary.

By Mr. SHAW (for himself and Mr. JEFFERSON):

H.R. 3730. A bill to amend the Internal Revenue Code of 1986 to provide for the elimination of certain foreign base company shipping income from foreign base company income; to the Committee on Ways and Means.

By Mr. SKEEN (for himself, Mr. REDMOND, Mr. SENSENBRENNER, and Mr. PICKERING):

H.R. 3731. A bill to designate the auditorium located within the Sandia Technology Transfer Center in Albuquerque, New Mexico, as the "Steve Schiff Auditorium"; to the Committee on National Security.

By Mr. TIAHRT:

H.R. 3732. A bill to amend title II of the Social Security Act to waive the waiting period otherwise required for disability beneficiaries in the case of individuals suffering from terminal illnesses with not more than six months to live, and to amend titles II and XVI of such Act to provide for appropriate treatment of prisoners; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

282. The SPEAKER presented a memorial of the Legislature of the State of Colorado, relative to House Joint Resolution 98-1013 memorializing the relocation of the exchange and commissary at Fitzsimons Army Garrison to new facilities to be constructed at Buckley Air National Guard Base; to the Committee on National Security.

283. Also, a memorial of the Legislature of the State of Kansas, relative to House Concurrent Resolution No. 5035 memorializing the Congress not to take action to mandate competition in retail sales of electricity and to leave that responsibility to the individual states; to the Committee on Commerce.

284. Also, a memorial of the House of Representatives of the State of Pennsylvania, relative to House Resolution 294 memorializing the Congress of the United States and the Federal Communications Commission to all state regulatory agencies the flexibility they need to conserve available telephone numbers and so extend the useful lives of existing area codes; to the Committee on Commerce.

285. Also, a memorial of the Legislature of the Commonwealth of Pennsylvania, relative to House Resolution 388 memorializing Congress to authorize a ten-year extension of the Delaware and Lehigh Navigation Canal National Heritage Corridor Act and to authorize continued Federal support for corridor projects; to the Committee on Resources.

286. Also, a memorial of the Senate of the State of Kansas, relative to Senate Resolution No. 1835 memorializing the United States Congress to enact legislation on taxation of electronic commerce that will treat in-state and out-of-state retailers in an equitable fashion and help preserve the integrity of the tax systems of state and local governments; to the Committee on the Judiciary.

287. Also, a memorial of the House of Representatives of the State of Pennsylvania, relative to House Resolution 296 memorializing the Congress of the United States to enact legislation directing the Environmental Protection Agency to return no less than 80% of all fines and penalties collected from any municipality, its authorities or agencies to same for the rehabilitation of the existing facilities to required environmental standards; to the Committee on Transportation and Infrastructure.

288. Also, a memorial of the Senate of the State of Tennessee, relative to Senate Resolution No. 106 memorializing the United States Congress to maintain the incentive grant approach to accomplishing the shared public safety objectives and to refrain from imposing federal mandates to accomplish such objectives; to the Committee on Transportation and Infrastructure.

289. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 106 memorializing the U.S. Army Corps of Engineers and the Bonneville Power Administration to reassess the most recent program recommendations and retain a policy of spreading the risks to assure perpetuation of the salmon fish run in the Salmon and Columbia river systems; jointly to the Committees on Transportation and Infrastructure and Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 59: Mr. GOODLING.
H.R. 66: Mrs. KELLY.
H.R. 68: Ms. HOOLEY of Oregon.
H.R. 218: Mr. HALL of Ohio and Ms. DUNN of Washington.
H.R. 225: Mr. FOLEY.
H.R. 322: Mr. BOEHLERT.
H.R. 530: Mr. NEUMANN, Mr. ROYCE, Mr. SALMON, and Mr. GOODLATTE.
H.R. 619: Mr. HASTERT, Mr. TRAFICANT, and Mr. LAMPSON.
H.R. 716: Mr. MCCRERY.
H.R. 738: Mr. SMITH of Texas.
H.R. 814: Mr. BARRETT of Wisconsin.
H.R. 815: Mr. TRAFICANT and Mr. MEEKS of New York.
H.R. 860: Ms. EDDIE BERNICE JOHNSON of Texas and Ms. STABENOW.
H.R. 864: Ms. HOOLEY of Oregon, Mr. BORSKI, Mr. SISISKY, Mr. SCOTT, and Mr. KLECZKA.
H.R. 965: Ms. PRYCE of Ohio and Mr. RIGGS.
H.R. 979: Mr. SCHUMER, Mr. SESSIONS, Mr. GIBBONS, and Mr. STUPAK.
H.R. 991: Mr. TOWNS.
H.R. 1023: Mr. KLINK.
H.R. 1126: Mr. TURNER and Mr. POMBO.
H.R. 1231: Mr. PETERSON of Pennsylvania.
H.R. 1311: Mr. BONIOR.
H.R. 1320: Mr. BARRETT of Wisconsin and Mr. KILDEE.
H.R. 1356: Mr. RAHALL, Ms. GRANGER, and Ms. SÁNCHEZ.
H.R. 1398: Mr. OBERSTAR.
H.R. 1415: Mr. CUMMINGS.
H.R. 1492: Mr. CUNNINGHAM.
H.R. 1521: Mr. BOYD and Mr. MCCRERY.
H.R. 1570: Mr. SHERMAN.
H.R. 1689: Mr. RYUN.
H.R. 1766: Mr. DREIER, Ms. KILPATRICK, and Mr. HILLIARD.
H.R. 1773: Mr. BOYD.
H.R. 2009: Mr. CALVERT, Mr. HILLIARD, Mr. NEY, Mr. DEFAZIO and Ms. SÁNCHEZ.
H.R. 2019: Mr. CLEMENT.
H.R. 2020: Mr. MARTINEZ, Mr. CALVERT, Mr. FOX of Pennsylvania, Mr. SANDLIN, Mr. LANTOS, Mr. DOYLE, and Mr. MASCARA.
H.R. 2023: Mr. FROST, Mr. FILNER, Mr. LANTOS, Mr. BROWN of California, Mrs. MEEK of Florida, and Mr. KILDEE.
H.R. 2163: Ms. PRYCE of Ohio.
H.R. 2351: Mr. SCHUMER and Mr. FATTAH.
H.R. 2409: Mr. HINCHEY.
H.R. 2538: Mr. BARTON of Texas, Mr. BRADY, Ms. DUNN of Washington, Mr. FOSSELLA, Mr. HOSTETTLER, Mr. JONES, Mr. PAXON, Mr. RYUN, Mr. SNOWBARGER, Ms. FURSE, Mr. MARTINEZ, Mr. MORAN of Kansas, and Mr. LINDER.
H.R. 2549: Mr. PETERSON of Minnesota.
H.R. 2568: Mr. BERRY.
H.R. 2639: Ms. HARMAN and Mr. CONYERS.
H.R. 2671: Mr. NADLER.
H.R. 2678: Mr. FRANK of Massachusetts.
H.R. 2704: Mr. DIXON.
H.R. 2713: Mr. GUTIERREZ.
H.R. 2714: Mr. GIBBONS.
H.R. 2733: Mr. MURTHA, Mr. GUTIERREZ, Mr. DEAL of Georgia, Mr. YATES, Mr. CALLAHAN, Mr. SHAYS, Mr. RUSH, Mr. ANDREWS, Mr. MCCOLLUM, Mr. MCDERMOTT, Ms. LOFGREN, Mr. EVERETT, and Mr. MCNULTY.
H.R. 2752: Mr. KIM and Mr. DREIER.
H.R. 2829: Mr. ENSIGN.
H.R. 2876: Ms. STABENOW.
H.R. 2888: Mr. INGLIS of South Carolina and Mr. BEREUTER.
H.R. 2898: Mr. SANDERS.
H.R. 2912: Mr. DAVIS of Illinois.
H.R. 2921: Mr. CHAMBLISS, Mr. SANDERS, and Ms. KAPTUR.
H.R. 2929: Mr. LIVINGSTON.
H.R. 2949: Mr. LATHAM.
H.R. 2963: Ms. KILPATRICK, Mrs. MINK of Hawaii, Mr. STRICKLAND, and Mr. LANTOS.
H.R. 2983: Mr. DOYLE and Mr. MENENDEZ.
H.R. 2994: Ms. NORTON.
H.R. 3050: Mr. GONZALEZ.
H.R. 3081: Mr. ACKERMAN, Mr. MCGOVERN, Mr. GEJDENSON, and Ms. ESHOO.
H.R. 3107: Mr. TIERNEY, Mrs. MALONEY of New York, and Mr. BILIRAKIS.
H.R. 3121: Mr. BENTSEN.
H.R. 3126: Mr. DAVIS of Florida.
H.R. 3156: Mr. STRICKLAND.
H.R. 3167: Mrs. LOWEY, Mr. SCHUMER, Mr. BOEHLERT, Mr. MCHUGH, Mr. TOWNS, Mrs. MALONEY of New York, Mr. HINCHEY, Mr. QUINN, Mr. MCNULTY, Mr. MANTON, Ms. SLAUGHTER, Mr. FOSSELLA, Mr. ENGEL, Mr. MEEKS of New York, Mr. NADLER, Mr. WALSH, Ms. VELÁZQUEZ, Mr. OWENS, Mr. SERRANO, Mr. GILMAN, Mr. SOLOMON, Mr. LAFALCE, Mr. HOUGHTON, Mrs. KELLY, Mr. RANGEL, and Mr. PAXON.
H.R. 3181: Mr. WYNN.
H.R. 3217: Mr. LEWIS of Georgia.
H.R. 3236: Mr. FRANKS of New Jersey, Ms. NORTON, Ms. RIVERS, Mrs. MORELLA, Mr. CANADY of Florida, Mr. BEREUTER, Mr. ARCHER, and Mr. MORAN of Virginia.
H.R. 3243: Mr. CANADY of Florida.
H.R. 3249: Mr. DAVIS of Illinois.
H.R. 3259: Mrs. CLAYTON.
H.R. 3281: Mr. COOK, Ms. HARMAN, and Mr. MARKEY.
H.R. 3295: Mr. COYNE, Ms. LEE, Mr. MCDERMOTT, Mr. MCHALE, Mr. KASICH, and Mr. ENGEL.
H.R. 3331: Mr. BOEHNER, Mr. CALVERT, and Mr. PAPPAS.
H.R. 3342: Mr. BARRETT of Wisconsin and Mr. OLVER.
H.R. 3379: Ms. ROS-LEHTINEN, Mr. MCDERMOTT, Mr. RUSH, and Mr. FROST.
H.R. 3396: Mr. SHAW, Mr. GOODLATTE, and Mr. TAYLOR of North Carolina.
H.R. 3441: Mr. BOEHLERT, Mr. TOWNS, Mr. WELDON of Pennsylvania, Mr. EHLERS, Mrs. ROUKEMA, Mr. PORTER, Mr. MCHUGH, and Ms. FURSE.
H.R. 3469: Mr. CUMMINGS, Mr. WEYGAND, Mr. KLINK, and Mr. LEWIS of Georgia
H.R. 3506: Mr. BERRY, Ms. ESHOO, Mr. KOLBE, Mr. ROGAN, Mr. MILLER of California, Mr. MATSUI, Mr. JOHNSON of Wisconsin, Mr. PETERSON of Minnesota, Ms. STABENOW, Mr. REDMOND, Mr. FORBES, Mr. HALL of Texas, Mr. SHAW, and Mrs. ROUKEMA.
H.R. 3510: Mr. CLYBURN.
H.R. 3511: Mrs. JOHNSON of Connecticut, Mr. ENGLISH of Pennsylvania, Mr. STRICKLAND, Mr. CARDIN, Mr. MANZULLO, Mr. BURR of North Carolina, Mr. RANGEL, and Mr. BECERRA.
H.R. 3513: Mr. RANGEL, Mrs. THURMAN, and Mr. BALDACCI.
H.R. 3523: Mr. GOODE, Mr. HOSTETTLER, Mr. LAZIO of New York, Mr. REDMOND, Mr. WHITE, Mr. HOLDEN, Mr. TIERNEY, Mr. PICKERING, Mr. OXLEY, Mr. LEWIS of Kentucky, Mr. LATOURETTE, Mr. HULSHOF, Mr. KIND of Wisconsin, Mr. POMBO, Mr. DAVIS of Illinois, Mr. HILL, Mr. CRANE, and Mr. HINCHEY.
H.R. 3538: Mr. STARK, Mr. LEWIS of Georgia, and Mr. ROMERO-BARCELO.
H.R. 3552: Mr. HUTCHINSON and Mr. KINGSTON.
H.R. 3553: Mr. SERRANO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BLAGOJEVICH, and Ms. ROS-LEHTINEN.
H.R. 3561: Mr. GUTIERREZ and Mr. OLVER.
H.R. 3567: Mr. LOBIONDO, Mr. SHAW, and Mr. WEYGAND.
H.R. 3568: Mr. SKEEN and Ms. DELAURO.
H.R. 3595: Mr. MORAN of Virginia and Mr. LAFALCE.
H.R. 3610: Mr. KENNEDY of Rhode Island, Mr. PETERSON of Pennsylvania, and Mr. COBURN.
H.R. 3613: Mr. COMBEST, Mr. STEARNS, Ms. NORTON, Mr. CALVERT, Ms. PRYCE of Ohio, Mr. BISHOP, Mr. HALL of Texas, Mr. ADERHOLT, Mr. HUTCHINSON, Mr. KENNEDY of Rhode Island, Mr. MCINTOSH, Mr. WOLF, Ms. SANCHEZ, Mr. MCKEON, Mr. WATKINS, Mr. EHRLICH, Mr. FROST, Mr. HAYWORTH, Mr. KUCINICH, and Mr. BOYD.
H.R. 3624: Mr. FALEOMAVAEGA, Mr. PAYNE, Mr. FROST, Ms. KAPTUR, Mr. WAXMAN, Mr. SANDLIN, and Mr. POSHARD.
H.R. 3629: Mr. MCKEON.
H.R. 3651: Mr. ACKERMAN and Mr. HINCHEY.
H.R. 3652: Mr. FRANK of Massachusetts, Mrs. MALONEY of New York, Mr. BONIOR, Mr. DAVIS of Florida, Mr. GORDON, and Mr. TORRES.
H.R. 3659: Mr. CALLAHAN, Mr. GOODE, Mr. SESSIONS, Mr. ISTOOK, Mr. SMITH of Texas, and Mr. WYNN.
H.R. 3668: Mr. WATTS of Oklahoma and Mr. SPENCE.
H.R. 3672: Mr. LEWIS of Georgia, Mr. MOAKLEY, Mr. MCGOVERN, Mr. DELAHUNT, and Mr. GUTIERREZ.
H.J. Res. 89: Ms. KILPATRICK, Ms. STABENOW, and Mr. FROST.
H.J. Res. 99: Mr. FILNER, Mr. FRANKS of New Jersey, Mr. PASCRELL, and Mr. OLVER.
H. Con. Res. 36: Mr. ARMEY and Mr. HALL of Texas.
H. Con. Res. 52: Mrs. LINDA SMITH of Washington, Mr. WAMP, and Mr. DUNCAN.
H. Con. Res. 181: Ms. GRANGER, Mr. BOYD, Mr. GUTKNECHT, Mr. COSTELLO, Mr. BILBRAY, Mr. WELDON of Pennsylvania, Mr. COBLE, Mr. TALENT, Mr. SNYDER, Mr. SUNUNU, Mr. BOEHLERT, Mr. STARK, Mrs. CAPPS, Mr. SHUSTER, Mr. DAVIS of Illinois, Mr. MATSUI, Mr. MCHALE, Mr. LOBIONDO, Mr. MALONEY of Connecticut, Mr. TOWNS, Ms. HARMAN, Ms. KILPATRICK, Mr. MCKEON, Mr. CLAY, and Mr. GALLEGLY.
H. Con. Res. 217: Mr. CALVERT.
H. Con. Res. 225: Mrs. KELLY, Mr. WAXMAN, Ms. WOOLSEY, Mr. HILLIARD, Mr. GUTIERREZ, and Mr. FALEOMAVAEGA.
H. Con. Res. 228: Mr. BLUMENAUER and Mr. BARRETT of Wisconsin.
H. Con. Res. 229: Mr. BALDACCI, Mr. BLUMENAUER, Mr. CRANE, Mrs. CUBIN, Mr. DELAHUNT, Ms. ESHOO, Mr. FARR of California, Mr. FORD, Mr. GOSS, Mr. KIND of Wisconsin, Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Mr. MURTHA, Mr. SALMON, Mr. DAN SCHAEFER of Colorado, Mr. SPRATT, Mr. SUNUNU, Mr. WALSH, Mr. WELDON of Pennsylvania, and Mr. WEXLER.
H. Con. Res. 239: Mr. GEJDENSON and Ms. WOOLSEY.
H. Con. Res. 249: Mr. FALEOMAVAEGA and Mr. POSHARD.
H. Res. 37: Mr. SAXTON, Mr. SABO, Mr. MICA, and Mr. STOKES.
H. Res. 399: Mr. MORAN of Kansas.

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. 3156: Mr. COOKSEY.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 3 by Mr. BAESLER on House Resolution 259: Amo Houghton, Thomas M. Davis, Zach Wamp, Bennie G. Thompson, Barbara Lee, Frank R. Wolf, Brian P. Bilbray, Lee H. Hamilton, and Tim Roemer.

The following Members' names were withdrawn from the following discharge petition:

Petition 3 by Mr. BAESLER on House Resolution 259: Christopher Shays, Frank R. Wolf, Amo Houghton, James A. Leach, Zach Wamp, Marge Roukema, Tom Campbell, Nancy L. Johnson, Thomas M. Davis, Brian P. Bilbray, and Michael N. Castle.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6

OFFERED BY: MR. CUMMINGS

AMENDMENT NO. 1: Page 104, after line 15, insert the following new subsection:

(h) THURGOOD MARSHALL LEGAL EDUCATION OPPORTUNITY PROGRAM.—Chapter 1 of subpart 2 of part A of title IV is amended by inserting after section 402H (20 U.S.C. 1070a–18) the following new section:

"SEC. 402I. LEGAL EDUCATIONAL OPPORTUNITY PROGRAM.

"(a) PROGRAM AUTHORITY.—The Secretary shall carry out a program to be known as the 'Thurgood Marshall Legal Educational Opportunity Program' designed to provide low-income, minority, and disadvantaged college students with the information, preparation, and financial assistance to gain access to and complete law school study.

"(b) CONTRACT AUTHORIZED.—Subject to the availability of amounts appropriated pursuant to section 402A(f), the Secretary is authorized to enter into a contract with, or make a grant to, the Council on Legal Education Opportunity, for a period of no less than 5 years—

"(1) to identify individuals from low-income, minority, and disadvantaged backgrounds;

"(2) to prepare such individuals for study at accredited law schools;

"(3) to assist students to select the appropriate law school, make application for entry into law school, and receive financial assistance for such study;

"(4) to provide support services to first-year law students to improve retention and success in law school studies; and

"(5) to motivate and prepare such students in law school studies and practice in low-income communities.

"(c) SERVICES PROVIDED.—In carrying out the purposes described in subsection (b), the contract or grant shall provide for the delivery of services through prelaw information resource centers, summer institutes, and midyear seminars conducted under this section. Such services may include—

"(1) information and counseling regarding—

"(A) accredited law school academic programs, especially tuition, fees, and admission requirements;

"(B) course work offered and required for graduation;

"(C) faculty specialties and areas of legal emphasis;

"(D) undergraduate preparatory courses and curriculum selection;

"(2) tutoring and academic counseling, including assistance in preparing for bar examinations;

"(3) prelaw mentoring programs, involving law school faculty, members of State and local bar associations, and retired and sitting judges, justices, and magistrates;

"(4) assistance in identifying preparatory courses and material for the law school aptitude or admissions tests;

"(5) summer institutes for Thurgood Marshall Fellows which expose them to a rigorous curriculum that emphasizes abstract thinking, legal analysis, research, writing, and examination techniques; and

"(6) midyear seminars and other educational activities designed to reinforce reading, writing, and studying skills of Thurgood Marshall Fellows during the first year of law school study.

"(d) SUBGRANTS AND SUBCONTRACTS.—For the purposes of planning, developing, or delivering one or more of the services described in subsection (c), the Council on Legal Education Opportunity shall make subgrants to, and subcontracts with, institutions of higher education, law schools, public and private agencies and organizations, and combinations of such institutions, schools, agencies, and organizations.

"(e) STIPENDS.—The Secretary shall annually establish the maximum stipend to be paid (including allowances for participant travel and for their dependents) to Thurgood Marshall Fellows for the period of prelaw preparation in summer institutes and midyear seminar prior to and during the period of law school study. A Fellow may be eligible for such a stipend only if the Fellow maintains satisfactory academic progress toward the Juris Doctor or Bachelor of Laws degree, as determined by the respective institutions.

"(f) MAXIMUM GRANT LEVEL.—For any year for which an appropriation is made to carry out this chapter, the Secretary shall allocate not more than $5,000,000 for the purpose of providing the services described in subsection (c).".

H.R. 6

OFFERED BY: MR. MCGOVERN

AMENDMENT NO. 2: Page 95, after line 7, insert the following new subsection (and redesignate the succeeding subsections accordingly):

(e) PELL GRANT INCENTIVES.—Section 401(b) is further amended by adding at the end the following new paragraph:

"(9) (A) Notwithstanding the preceding provisions of this subsection, the amount of the basic grant under this section awarded to a student during the first two academic years of undergraduate education who graduated in the top 10 percent of his or her high school graduating class shall be an amount equal to twice the amount for which the student is eligible under this section as determined without regard to the provisions of this paragraph.

"(B) The Secretary shall establish by regulation procedures for the determination of eligibility of students under subparagraph (A). Such procedures shall include measures to prevent any secondary school from certifying more than 10 percent of it's students for eligibility under this paragraph.

"(C) In prescribing procedures under subparagraph (B), the Secretary shall ensure that the determination of eligibility and the amount of the award is determined in a timely manner consistent with the requirements of section 482 and the submission of the financial aid form required by section 483. For such purposes, the Secretary may provide that, for the first of a student's two academic years of eligibility under this section, class rank may be determined prior to graduation, at such time and in such manner as the Secretary may specify in the regulations prescribed under this subsection.".

H.R. 6

OFFERED BY: MR. PAUL

AMENDMENT NO. 3: Page 50, line 13, at the end of paragraph (1) add the following new sentence: "The Secretary shall not use the social security account numbers issued under title II of the Social Security Act as the electronic personal identifier, and shall not use any identifier used in any other Federal program as the electronic personal identifier.".

H.R. 6

OFFERED BY: MR. STUPAK

AMENDMENT NO. 4: Page 327, after line 10, insert the following new section (and conform the table of contents accordingly):

SEC. 705. FORGIVENESS AUTHORIZED.

There are authorized to be appropriated such sums as may be necessary to permit the Secretary of Education to forgive the entire balance due, or any portion thereof, on any loan made to the Suomi College of Hancock, Michigan, under part C or part F of title III of the Higher Education Act of 1965 (as in effect on the day before the date of enactment of the Higher Education Amendments of 1992), or under the College Housing and Academic Facilities Loan program, or any other federally subsidized, insured, or authorized loan program designed to assist institutions of higher education to construct academic or dormitory facilities.

H.R. 6

OFFERED BY: MR. STUPAK

AMENDMENT NO. 5: Page 334, strike lines 20 and 21 and insert the following:

SEC. 806. REPEALS AND EXTENSIONS OF PREVIOUS HIGHER EDUCATION AMENDMENTS PROVISIONS.

Page 335, line 7, strike "D, and E" and insert "and D"; and after line 7, insert the following:

(3) OLYMPIC SCHOLARSHIPS.—Section 1543(d) of the Higher Education Amendments of 1992 is amended by striking "1993" and inserting "1999".

SENATE—*Thursday, April 23, 1998*

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

PRAYER

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

Almighty God, we praise You for Your guidance. As we begin the work of the Senate today, we pray with the Psalmist, "Show me Your ways, O Lord; teach me Your paths. Lead me in Your truth and teach me, for You are the God of my salvation; on You I wait all the day."—Psalm 25:4–5.

We acknowledge our total dependence on You. Revelation of Your truth comes in relationship with You; Your inspiration is given when we are illuminated with Your Spirit. Therefore, we prepare for this day by opening our minds to the inflow of Your Spirit. You know what is ahead today. Crucial issues for the future of our Nation confront us.

We praise You Lord that when this day comes to an end we will have the deep inner peace of knowing that You have heard and answered this prayer for guidance. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. COVERDELL. Mr. President, this morning the Senate will immediately proceed to a stacked series of rollcall votes. Following the stacked votes, it appears that there are up to four remaining first-degree amendments in order to the Coverdell education bill. It is hoped that these amendments will be offered and debated in a timely fashion so that final passage can occur by early afternoon today. Therefore, Senators should expect rollcall votes throughout today's session with respect to the Coverdell bill or any other legislative or executive items cleared for action.

I thank my colleagues for their attention.

Mr. President, parliamentary inquiry. Is it not true that by previous agreement we will now begin three stacked votes?

The PRESIDING OFFICER (Mr. FAIRCLOTH). The Senator is correct.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2646, which the clerk will report.

The legislative clerk read as follows:

A 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.

The Senate resumed consideration of the bill.

Pending:

Coats amendment No. 2297, to provide an additional incentive to donate to elementary and secondary schools or other organizations which provide scholarships to disadvantaged children.

Levin/Bingaman amendment No. 2299, to replace the expansion of education individual retirement accounts to elementary and secondary school expenses with an increase in the lifetime learning education credit for expenses of teachers in improving technology training.

Landrieu amendment No. 2301, to provide funding to carry out a program that recognizes public and private elementary and secondary schools that have established standards of excellence.

Kempthorne modified amendment No. 2302 (to amendment No. 2301), to provide for student improvement incentive awards.

Levin amendment No. 2303 (to amendment No. 2299, as amended), to replace the expansion of education individual retirement accounts to elementary and secondary school expenses with an increase in the lifetime learning education credit for expenses of teachers in improving technology training.

AMENDMENT NO. 2297

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate prior to a vote on or in relation to the Coats amendment No. 2297.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Indiana.

Mr. COATS. Mr. President, this amendment Members will be voting on shortly simply adds an incentive to the current deduction that is allowed for individuals making contributions to tax-exempt organizations that provide scholarships for low-income children.

Currently it is 100 percent deductible. We are adding an additional 10 percent incentive so that these organizations, of which currently more than 30 exist around the country, can receive additional funds through this incentive so that they can offer additional scholarships to children trapped in an educational system which allows them no escape. There are currently programs operating in virtually every major city in the country. They are giving children a chance.

Those who say, "If you can't give everybody a chance, you can't give anybody a chance", are like those standing on the Titanic saying, "If we don't have enough lifeboats for all on this sinking ship, nobody gets to use the existing lifeboats."

These kids are condemned to failure with no way out of the plight they are in. Let us allow these organizations that are reaching out through private contributions a chance to give these kids a chance.

This is paid for. It is revenue neutral. Earlier the offset was an elimination of the gambling loss deduction. That has been replaced. There was controversy. We wanted the focus to be on this amendment. That has been replaced by two provisions of the Internal Revenue Code, changes that are approved by the Finance Committee. There should be no controversy on that.

I urge my colleagues to give children, low-income children in minority situations mostly in urban schools—let us give them a chance.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this week we were supposed to be debating our Nation's policy on education. Where our Nation's children are going to school is to the public school systems. We do not have anything against the private school system, but we ought to be testing every single recommendation against does it really help our public schools or are we taking needed funds away from our public schools?

This does absolutely nothing for our public schools. It gives no help and assistance to hard-working parents whose children are going to public schools. What it does do is it says we are going to give a preference in terms of charitable giving to these specific organizations over charitable giving to cancer, over charitable giving to heart disease, over charitable giving to Alzheimer's, over charitable giving to a wide range of other very worthwhile factors.

What is possibly the justification for that? We ought to consider tax policy

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

in that respect, but this is not good education policy. It does not advance our common interest of moving the public schools toward greater academic achievement and accomplishment. That ought to be the test. This fails on the education standard, and it fails on tax policy.

Mr. President, I hope that the amendment will not be accepted.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 2297. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 46, nays 54, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—46

Abraham	Frist	McCain
Allard	Gorton	McConnell
Ashcroft	Gramm	Roberts
Bennett	Grams	Santorum
Bond	Gregg	Sessions
Brownback	Hatch	Shelby
Burns	Helms	Smith (NH)
Campbell	Hutchinson	Smith (OR)
Coats	Hutchison	Snowe
Cochran	Inhofe	Stevens
Coverdell	Kempthorne	Thomas
Craig	Kyl	Thompson
D'Amato	Lieberman	Thurmond
DeWine	Lott	Warner
Domenici	Lugar	
Faircloth	Mack	

NAYS—54

Akaka	Feingold	Leahy
Baucus	Feinstein	Levin
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Breaux	Grassley	Murkowski
Bryan	Hagel	Murray
Bumpers	Harkin	Nickles
Byrd	Hollings	Reed
Chafee	Inouye	Reid
Cleland	Jeffords	Robb
Collins	Johnson	Rockefeller
Conrad	Kennedy	Roth
Daschle	Kerrey	Sarbanes
Dodd	Kerry	Specter
Dorgan	Kohl	Torricelli
Durbin	Landrieu	Wellstone
Enzi	Lautenberg	Wyden

The amendment (No. 2297) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the next vote in this series be limited to 10 minutes in length.

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

AMENDMENT NO. 2302, AS MODIFIED

The PRESIDING OFFICER. Under the previous order there will now be 2 minutes of debate prior to the vote on or in relation to the Kempthorne amendment 2302, as modified.

The text of the amendment (No. 2302), as modified, is as follows:

AMENDMENT NO. 2302

(Purpose: To amend section 6201 of the Elementary and Secondary Education Act of 1965 to provide for student improvement incentive awards, and for other purposes)

Strike all after the first word, and insert the following:

101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) TAX-FREE EXPENDITURES FOR ELEMENTARY AND SECONDARY SCHOOL EXPENSES.—

(1) IN GENERAL.—Section 530(b)(2) (defining qualified higher education expenses) is amended to read as follows:

"(2) QUALIFIED EDUCATION EXPENSES.—

"(A) IN GENERAL.—The term 'qualified education expenses' means—

"(i) qualified higher education expenses (as defined in section 529(e)(3)), and

"(ii) qualified elementary and secondary education expenses (as defined in paragraph (4)).

Such expenses shall be reduced as provided in section 25A(g)(2).

"(B) QUALIFIED STATE TUITION PROGRAMS.—Such term shall include amounts paid or incurred to purchase tuition credits or certificates, or to make contributions to an account, under a qualified State tuition program (as defined in section 529(b)) for the benefit of the beneficiary of the account."

(2) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(4) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—

"(A) IN GENERAL.—The term 'qualified elementary and secondary education expenses' means—

"(i) expenses for tuition, fees, academic tutoring, special needs services, books, supplies, computer equipment (including related software and services), and other equipment which are incurred in connection with the enrollment or attendance of the designated beneficiary of the trust as an elementary or secondary school student at a public, private, or religious school, or

"(ii) expenses for room and board, uniforms, transportation, and supplementary items and services (including extended day programs) which are required or provided by a public, private, or religious school in connection with such enrollment or attendance.

"(B) SPECIAL RULE FOR HOMESCHOOLING.—Such term shall include expenses described in subparagraph (A)(i) in connection with education provided by homeschooling if the requirements of any applicable State or local law are met with respect to such education.

"(C) SCHOOL.—The term 'school' means any school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law."

(3) SPECIAL RULES FOR APPLYING EXCLUSION TO ELEMENTARY AND SECONDARY EXPENSES.—Section 530(d)(2) (relating to distributions for qualified higher education expenses) is amended by adding at the end the following new subparagraph:

"(D) SPECIAL RULES FOR ELEMENTARY AND SECONDARY EXPENSES.—

"(i) IN GENERAL.—The aggregate amount of qualified elementary and secondary education expenses taken into account for purposes of this paragraph with respect to any education individual retirement account for all taxable years shall not exceed the sum of the aggregate contributions to such account for taxable years beginning after December 31, 1998, and before January 1, 2003, and earnings on such contributions.

"(ii) SPECIAL OPERATING RULES.—For purposes of clause (i)—

"(I) the trustee of an education individual retirement account shall keep separate accounts with respect to contributions and earnings described in clause (i), and

"(II) if there are distributions in excess of qualified elementary and secondary education expenses for any taxable year, such excess distributions shall be allocated first to contributions and earnings not described in clause (i)."

(4) CONFORMING AMENDMENTS.—Subsections (b)(1) and (d)(2) of section 530 are each amended by striking "higher" each place it appears in the text and heading thereof.

(b) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(2) CONTRIBUTION LIMIT.—Section 530(b) (relating to definitions and special rules), as amended by subsection (a)(2), is amended by adding at the end the following new paragraph:

"(5) CONTRIBUTION LIMIT.—The term 'contribution limit' means $500 ($2,000 in the case of any taxable year beginning after December 31, 1998, and ending before January 1, 2003)."

(3) CONFORMING AMENDMENTS.—

(A) Section 530(d)(4)(C) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(B) Section 4973(e)(1)(A) is amended by striking "$500" and inserting "the contribution limit (as defined in section 530(b)(5)) for such taxable year".

(c) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

"The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary)."

(d) CORPORATIONS PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking "The maximum amount which a contributor" and inserting "In the case of a contributor who is an individual, the maximum amount the contributor".

(e) NO DOUBLE BENEFIT.—Section 530(d)(2) (relating to distributions for qualified education expenses), as amended by subsection (a)(3), is amended by adding at the end the following new subparagraph:

"(E) DISALLOWANCE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph."

(f) TECHNICAL CORRECTIONS.—

(1)(A) Section 530(b)(1)(E) (defining education individual retirement account) is amended to read as follows:

"(E) Any balance to the credit of the designated beneficiary on the date on which the beneficiary attains age 30 shall be distributed within 30 days after such date to the beneficiary or, if the beneficiary dies before attaining age 30, shall be distributed within 30 days after the date of death to the estate of such beneficiary."

(B) Section 530(d) (relating to tax treatment of distributions) is amended by adding at the end the following new paragraph:

"(8) DEEMED DISTRIBUTION ON REQUIRED DISTRIBUTION DATE.—In any case in which a distribution is required under subsection (b)(1)(E), any balance to the credit of a designated beneficiary as of the close of the 30-day period referred to in such subsection for making such distribution shall be deemed distributed at the close of such period."

(2)(A) Section 530(d)(1) is amended by striking "section 72(b)" and inserting "section 72".

(B) Section 72(e) (relating to amounts not received as annuities) is amended by inserting after paragraph (8) the following new paragraph:

"(9) EXTENSION OF PARAGRAPH (2)(B) TO QUALIFIED STATE TUITION PROGRAMS AND EDUCATIONAL INDIVIDUAL RETIREMENT ACCOUNTS.—Notwithstanding any other provision of this subsection, paragraph (2)(B) shall apply to amounts received under a qualified State tuition program (as defined in section 529(b)) or under an education individual retirement account (as defined in section 530(b)). The rule of paragraph (8)(B) shall apply for purposes of this paragraph."

(3) Section 530(d)(4)(B) (relating to exceptions) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by adding at the end the following new clause:

"(iv) an amount which is includible in gross income solely because the taxpayer elected under paragraph (2)(C) to waive the application of paragraph (2) for the taxable year."

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (f) shall take effect as if included in the amendments made by section 213 of the Taxpayer Relief Act of 1997.

SEC. 102. STUDENT IMPROVEMENT INCENTIVE AWARDS.

Section 6201 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7331) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(C), by striking "and" after the semicolon;

(B) in paragraph (2), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(3) student improvement incentive awards described in subsection (c)."; and

(2) by adding at the end the following:

"(c) STUDENT IMPROVEMENT INCENTIVE AWARDS.—

"(1) AWARDS.—A State educational agency may use funds made available for State use under this title to make awards to public schools in the State that are determined to be outstanding schools pursuant to a statewide assessment described in paragraph (2).

"(2) STATEWIDE ASSESSMENT.—The statewide assessment referred to in paragraph (1)—

"(A) shall—

"(i) determine the educational progress of students attending public schools within the State; and

"(ii) allow for an objective analysis of the assessment on a school-by-school basis; and

"(B) may involve exit exams.".

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

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

Mr. President, this is a very straightforward amendment. This is a voluntary, incentive-based approach to help improve the academic excellence in our public schools. It allows each State, if they wish, to utilize Federal funds that they receive so they can reward excellence and encourage their schools. There is no new requirement of new Federal money. It uses existing Federal money. There is no new Federal bureaucracy put in place. It would be taken care of, again, voluntarily by the States. It is simply a concept that all of us believe in; that is, incentive and reward. We now give a new tool to our public schools to utilize these funds for that purpose, if the States so choose.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. FRIST). Who yields time?

Ms. LANDRIEU addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, let me ask my colleagues to join me in voting against the second-degree amendment to my underlying amendment on blue ribbon schools. This is a do-nothing amendment. The States actually can already do this with the money they receive. There is no reason for this amendment. The only thing that this amendment does, if by any chance it passes, is it limits our——

Mr. WELLSTONE. Mr. President, could we have order?

The PRESIDING OFFICER. The Senate will be in order.

Ms. LANDRIEU. Mr. President, this amendment is a do-nothing amendment. In some ways it could be harmful to the current blue ribbon program that is so excellent now in our country, because if this amendment would pass, you would not be able to reward private and parochial schools who are doing an excellent job. A wonderful thing about our blue ribbon school program is that it recognizes excellence across the board and helps us. It will give them more than a blue ribbon and a plaque; it will give them some financial incentive to continue to do good work.

I ask my colleagues to vote "no" on the Kempthorne amendment and then to support our blue ribbon amendment, which is the underlying amendment.

Thank you very much, Mr. President.

Mr. KEMPTHORNE. Mr. President, I greatly respect the Senator from Louisiana, but I totally disagree with the characterization of the Senator from Louisiana. This allows the States to finally utilize these funds so they can make financial rewards to our schools as they should do.

Thank you.

The PRESIDING OFFICER. The time has expired.

The yeas and nays have not yet been ordered.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 58, nays 42, as follows:

[Rollcall Vote No. 96 Leg.]

YEAS—58

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

NAYS—42

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

The amendment (No. 2302), as modified, was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the amendment is modified to be a first-degree amendment.

The amendment (No. 2302), as modified further, reads as follows:

Strike section 101 and insert the following:

101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) TAX-FREE EXPENDITURES FOR ELEMENTARY AND SECONDARY SCHOOL EXPENSES.—

(1) IN GENERAL.—Section 530(b)(2) (defining qualified higher education expenses) is amended to read as follows:

"(2) QUALIFIED EDUCATION EXPENSES.—

"(A) IN GENERAL.—The term 'qualified education expenses' means—

"(i) qualified higher education expenses (as defined in section 529(e)(3)), and

"(ii) qualified elementary and secondary education expenses (as defined in paragraph (4)).

Such expenses shall be reduced as provided in section 25A(g)(2).

"(B) QUALIFIED STATE TUITION PROGRAMS.—Such term shall include amounts paid or incurred to purchase tuition credits or certificates, or to make contributions to an account, under a qualified State tuition program (as defined in section 529(b)) for the benefit of the beneficiary of the account."

(2) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(4) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—

"(A) IN GENERAL.—The term 'qualified elementary and secondary education expenses' means—

"(i) expenses for tuition, fees, academic tutoring, special needs services, books, supplies, computer equipment (including related software and services), and other equipment which are incurred in connection with the enrollment or attendance of the designated beneficiary of the trust as an elementary or secondary school student at a public, private, or religious school, or

"(ii) expenses for room and board, uniforms, transportation, and supplementary items and services (including extended day programs) which are required or provided by a public, private, or religious school in connection with such enrollment or attendance.

"(B) SPECIAL RULE FOR HOMESCHOOLING.—Such term shall include expenses described in subparagraph (A)(i) in connection with education provided by homeschooling if the requirements of any applicable State or local law are met with respect to such education.

"(C) SCHOOL.—The term 'school' means any school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law."

(3) SPECIAL RULES FOR APPLYING EXCLUSION TO ELEMENTARY AND SECONDARY EXPENSES.—Section 530(d)(2) (relating to distributions for qualified higher education expenses) is amended by adding at the end the following new subparagraph:

"(D) SPECIAL RULES FOR ELEMENTARY AND SECONDARY EXPENSES.—

"(i) IN GENERAL.—The aggregate amount of qualified elementary and secondary education expenses taken into account for purposes of this paragraph with respect to any education individual retirement account for all taxable years shall not exceed the sum of the aggregate contributions to such account for taxable years beginning after December 31, 1998, and before January 1, 2003, and earnings on such contributions.

"(ii) SPECIAL OPERATING RULES.—For purposes of clause (i)—

"(I) the trustee of an education individual retirement account shall keep separate accounts with respect to contributions and earnings described in clause (i), and

"(II) if there are distributions in excess of qualified elementary and secondary education expenses for any taxable year, such excess distributions shall be allocated first to contributions and earnings not described in clause (i)."

(4) CONFORMING AMENDMENTS.—Subsections (b)(1) and (d)(2) of section 530 are each amended by striking "higher" each place it appears in the text and heading thereof.

(b) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(2) CONTRIBUTION LIMIT.—Section 530(b) (relating to definitions and special rules), as amended by subsection (a)(2), is amended by adding at the end the following new paragraph:

"(5) CONTRIBUTION LIMIT.—The term 'contribution limit' means $500 ($2,000 in the case of any taxable year beginning after December 31, 1998, and ending before January 1, 2003)."

(3) CONFORMING AMENDMENTS.—

(A) Section 530(d)(4)(C) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(B) Section 4973(e)(1)(A) is amended by striking "$500" and inserting "the contribution limit (as defined in section 530(b)(5)) for such taxable year".

(c) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

"The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary)."

(d) CORPORATIONS PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking "The maximum amount which a contributor" and inserting "In the case of a contributor who is an individual, the maximum amount the contributor".

(e) NO DOUBLE BENEFIT.—Section 530(d)(2) (relating to distributions for qualified education expenses), as amended by subsection (a)(3), is amended by adding at the end the following new subparagraph:

"(E) DISALLOWANCE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph."

(f) TECHNICAL CORRECTIONS.—

(1)(A) Section 530(b)(1)(E) (defining education individual retirement account) is amended to read as follows:

"(E) Any balance to the credit of the designated beneficiary on the date on which the beneficiary attains age 30 shall be distributed within 30 days after such date to the beneficiary or, if the beneficiary dies before attaining age 30, shall be distributed within 30 days after the date of death to the estate of such beneficiary."

(B) Section 530(d) (relating to tax treatment of distributions) is amended by adding at the end the following new paragraph:

"(8) DEEMED DISTRIBUTION ON REQUIRED DISTRIBUTION DATE.—In any case in which a distribution is required under subsection (b)(1)(E), any balance to the credit of a designated beneficiary as of the close of the 30-day period referred to in such subsection for making such distribution shall be deemed distributed at the close of such period."

(2)(A) Section 530(d)(1) is amended by striking "section 72(b)" and inserting "section 72".

(B) Section 72(e) (relating to amounts not received as annuities) is amended by inserting after paragraph (8) the following new paragraph:

"(9) EXTENSION OF PARAGRAPH (2)(B) TO QUALIFIED STATE TUITION PROGRAMS AND EDUCATIONAL INDIVIDUAL RETIREMENT ACCOUNTS.—Notwithstanding any other provision of this subsection, paragraph (2)(B) shall apply to amounts received under a qualified State tuition program (as defined in section 529(b)) or under an education individual retirement account (as defined in section 530(b)). The rule of paragraph (8)(B) shall apply for purposes of this paragraph."

(3) Section 530(d)(4)(B) (relating to exceptions) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by adding at the end the following new clause:

"(iv) an amount which is includible in gross income solely because the taxpayer elected under paragraph (2)(C) to waive the application of paragraph (2) for the taxable year."

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (f) shall take effect as if included in the amendments made by section 213 of the Taxpayer Relief Act of 1997.

SEC. 102. STUDENT IMPROVEMENT INCENTIVE AWARDS.

Section 6201 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7331) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(C), by striking "and" after the semicolon;

(B) in paragraph (2), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(3) student improvement incentive awards described in subsection (c)."; and

(2) by adding at the end the following:

"(c) STUDENT IMPROVEMENT INCENTIVE AWARDS.—

"(1) AWARDS.—A State educational agency may use funds made available for State use under this title to make awards to public schools in the State that are determined to be outstanding schools pursuant to a statewide assessment described in paragraph (2).

"(2) STATEWIDE ASSESSMENT.—The statewide assessment referred to in paragraph (1)—

"(A) shall—

"(i) determine the educational progress of students attending public schools within the State; and

"(ii) allow for an objective analysis of the assessment on a school-by-school basis; and

"(B) may involve exit exams.".

AMENDMENT NO. 2301

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate prior to a vote on or in relation to the Landrieu amendment No. 2301. Who yields time?

Ms. LANDRIEU. Mr. President, could I have some order, please?

Mr. KENNEDY. Mr. President, may we have order? The Senator is entitled to be heard.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, as this body knows, many on both sides of this aisle support blue ribbon schools because we believe that we should begin rewarding excellence, funding results, and we should stop funding failures. Blue ribbon schools are chosen by their States every year. Some of them are public—many of them. Some of them are private. Some of them are parochial. When they achieve against the odds and when their students succeed, we call them to Washington and they come, 250 of them every year. We give them a beautiful, shiny plaque and a big blue ribbon and we send them home with nothing else but the plaque and the blue ribbon. They are happy to get it, but what they really want and need are some resources to continue doing their good work.

So I think this is a better way to spend the $1.5 billion. Instead of helping just a few people in America, we can help all of our schools and begin rewarding results. That is what this amendment does, the blue ribbon school amendment. I ask my colleagues to support it.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time? The Senator from Georgia.

Mr. COVERDELL. Mr. President, there is certainly nothing wrong with an amendment that tries to improve blue ribbon schools. But the amendment by the Senator from Louisiana guts the underlying premise of the bill. What is substituted here is pretty simple. You have 250 schools that would receive a grant of $100,000, or you have 20 million children and 14 million families that will benefit all across the Nation. In balance, there is just no comparison at all. So I would simply say again her amendment guts the underlying premise we have been debating for 6 months and exchanges assistance to 200-some-odd schools for 14 million families.

I urge the defeat of the amendment.

The PRESIDING OFFICER. The yeas and nays have not yet been ordered.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 34, nays 66, as follows:

[Rollcall Vote No. 97 Leg.]

YEAS—34

Akaka	Harkin	Mikulski
Bingaman	Hollings	Moseley-Braun
Boxer	Inouye	Moynihan
Bumpers	Johnson	Murray
Conrad	Kennedy	Reed
Daschle	Kerrey	Robb
Dodd	Kerry	Rockefeller
Dorgan	Kohl	Sarbanes
Durbin	Landrieu	Wellstone
Feingold	Lautenberg	Wyden
Ford	Leahy	
Glenn	Levin	

NAYS—66

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

The amendment (No. 2301) was rejected.

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of Levin amendment No. 2303 on which there shall be 30 minutes of debate equally divided.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield 1 minute to my good friend from Louisiana on an unrelated matter.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Thank you, Mr. President. I thank my colleague from Michigan.

TAKE OUR DAUGHTERS TO WORK DAY

Ms. LANDRIEU. Today, Mr. President, and colleagues, is a very special day in America. We are celebrating here in the Senate, and millions of people around our Nation are celebrating this special day. It is "Take Our Daughters to Work Day." And mothers and fathers and aunts and uncles and friends are taking their special charges to work with them to see perhaps a side of life that some young girls do not get to see.

It is the sixth year that our Nation has celebrated in this way. I wanted to just say for the record that we have made a lot of progress in our Nation in the past 30 years. In 1968, only 20 percent of 18- to 24-year-old women were enrolled in college. Today, thank goodness that number is climbing, and we are at 36 percent.

The median earnings for women in 1968 was only $18,500. Today, women earn an average of $23,000. We are making progress, but not enough.

I saw a statistic the other day that still 80 percent of all women who work out of the home earn less than $25,000, earning 74 cents on every dollar earned by their male counterparts.

In 1968, women owned fewer than 5 percent of the Nation's businesses. That number has doubled, and I am proud to say that there are more people employed by women-owned businesses than all the Fortune 500 companies in the country. So we are making progress.

Today is a day to honor the progress that is being made. But it is also a day to encourage our young girls, particularly in the ages of 9 to 15, to reach for their dreams, to expand their horizons, to consider all the great options that are available for them as they think about beginning to make choices about their careers. They can balance home life and work life and they can chose careers that were unheard of just a few years ago.

I hope some of these young girls who are here today with us will think about the Senate, I say to our colleague from Michigan, to think about encouraging more young women to run here for the Senate.

So I thank my colleagues for giving me this time to recognize this day. I want to welcome my niece with me today, Gracie Landrieu, who came up—my daughter is only 10 months old, so she is a little too young to appreciate today. But she is going to be with me for a few minutes later today. But my niece, who is 10, can most certainly appreciate the great challenges before her. And I wish her all the best, as we do all of our daughters across America.

Thank you.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2303

Mr. LEVIN. Mr. President, first I ask unanimous consent that Senators BINGAMAN and MURRAY be added as cosponsors to my amendment.

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

Mr. LEVIN. Mr. President, this amendment provides a tax credit to teachers who return to school to learn education technology. The credit would be 50 percent of the cost of that training. The current situation across our country is that educators are trying to find ways to use technologies to enrich the learning experience and to prepare students for a world in which information technologies are increasingly woven into the fabric of our life and our work.

School districts all over this land are making investments in hardware and in software and in connecting computers and in accessing Internet and in

distance learning. I traveled around my State, and I have spent a lot of time doing this, focusing on education technologies in the last 6 months. And I find, of course, as you would expect, there is a great variety in terms of how advanced school districts are when it comes to installing good computers, putting in the necessary software, how many computers they have for their student body, how much so-called local area networks, how many of those they have in the school connecting the computers to each other, how much access to the Internet in their school, to what extent are they connected to nearby colleges or distant colleges and universities, and those kinds of efforts. A huge effort is being made with different degrees of success.

But what these school districts tell me universally is that where they are falling short is in the development of their teaching staff in the use of the technologies they are able to acquire. That is the common story I get from every school district—that we need to train our teachers in the use of these technologies. Typically, we find that only about 5 cents of the technology dollar is going into professional development and 95 cents of the education technology dollar is going into the hardware and software and connecters and the access.

This Government is spending a fortune, for instance, in the so-called universal service fund to provide every school that applies with a discount on their communication bills to access the Internet, for instance, and on some of their internal linkages. But where we are falling way below where we must be is when it comes to the training of our teachers, of our professional staff in the use of these technologies.

This first chart shows, as of the time that the statistics were taken in 1994—and we do not think too much has changed since then; but this is the last available year—how the States are doing when it comes to the training of teachers.

How much education technology training do our teachers have? The U.S. average, this red line on this chart, is 15 percent of our teachers; 15 percent of our teachers have at least 9 hours of training in education technology. That is it. In my State, only 10 percent of the teachers—1 out of 10—had at least 9 hours of training in their lifetime in the use of education technology. That is a woeful story.

What it means is that with all of the dollars that are going into hardware and software and these other technologies that we are spending pennies on, what is critically important is the skills to use the technologies which are provided. The most difficult skill of all is the one that has been least acquired. That is the ability to integrate the material which is now available through these technologies into the curriculum. Very few teachers are accessing the information, the thousands of libraries now available to them through their computers, the hundreds of field trips which they now can take in their classrooms if they know how to use these technologies. Until our teachers have those skills and are given those opportunities, we are not using these technologies to their fullest or anywhere close to their fullest.

What this amendment does is, it says to those teachers who are willing to go back for training, we will give you a tax credit of 50 percent of the cost of that training. Now, we already have a lifetime learning credit of 20 percent that is a credit against the cost of higher education. That has been a great advance. It is effective this year. This amendment builds on that lifetime learning credit. It says for those teachers who go back to gain the skills in the use of education technology, they will get a 50 percent credit. It is a significantly increased incentive to obtain those skills which are so critically necessary if we are going to make use of these technologies and if our children are going to have the kind of training and access to material which can only be given by their teachers, if they have these skills.

The person who is the technology director for the Michigan Education Department is a man named Jamey Fitzpatrick. He was quoted as saying:

> For every dollar we spend on computer hardware and software in kindergarten through 12th grades, I think we would be lucky if we saw five cents on the dollar spent on training and support.
>
> If we continue with those kinds of ratios we will never realize the gain in student achievement that we think technology has the potential to elicit. We obviously need to put money into training.

Mr. President, I ask unanimous consent that Senator MOSELEY-BRAUN be added as a cosponsor to the amendment.

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

Mr. LEVIN. What we do is leave most of the beneficial aspects of the underlying education IRA bill in place—first of all, that is what we don't do; what we do do, however, is we do not permit withdrawals from that IRA for K through 12. That is the most controversial part of this bill, for reasons I will get to in a moment.

The rest of the provisions of this bill we do not touch. We don't touch the expanded IRA relative to the cost of higher education. We don't touch the extension of the tax exclusion for employer-provided education assistance in this bill. We don't touch the tax exclusion for withdrawals from State tuition programs or the limited school construction provisions in this bill.

What we do, however, is not permit withdrawal from the IRA for the K through 12 expenses. We don't do that because this most controversial provision of this bill, it seems to me, is severely tilted against public schools. I want to show a chart that gives a picture of how serious this tilt is against public education in this IRA as it exists in the underlying bill.

According to the Joint Tax Committee—and we have here a letter from the Joint Tax Committee which lays out these numbers—according to the Joint Tax Committee, the majority of the tax benefit will go to the 2.9 million taxpayers with dependents in private school. The minority of the tax benefit will go to the 35 million taxpayers who have dependents in public school. So, 35 million taxpayers, those with dependents in public schools, get less than half the bill. The 2.9 million taxpayers with children in private schools get 52 percent of the benefit. Translated into dollars, in another way, the average taxpayer with a child in private school gets a $37 tax deduction in the year 2002; the public school taxpayer gets a $7 dollar deduction in the year 2002.

I want to read the provisions from the letter because that is reflected in this chart. The Joint Tax Committee says, "We estimate that of those eligible to contribute, approximately 2.9 million returns would have children in private schools. We estimate that the proposed expansion of education IRAs to withdrawals to cover primary and secondary education would extend approximately 52 percent of the tax benefit to taxpayers with children in private schools. We estimate that the average per return tax benefit for taxpayers with children attending private schools would be approximately $37 in tax year 2002. Conversely, we estimate that of the 38.3 million returns eligible, approximately 35.4 million returns would have dependents in public schools and that approximately 10.8 million of these returns would utilize education IRAs. We estimate that the proposed expansion of the education IRAs would extend approximately 48 percent of the tax benefit to taxpayers with children in public schools with an average per return tax benefit of approximately $7 in the year 2002."

I gather I have used my time, so I will not reserve the balance of it. I yield the floor, and I thank the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I yield myself 7 minutes.

I rise in opposition to this amendment. As I stated yesterday, it strikes at the heart of the Coverdell bill. It takes away the ability of parents to use educational IRAs to pay for expenses related to the schooling of their children between kindergarten and 12th grade.

Allowing parents greater resources to meet the educational needs of their young children is what the Coverdell

bill is all about. Senator LEVIN proposes to take those resources away. Instead, he wants to expand the lifetime learning credit for those who participate in technology training. No one can argue against the proposition that helping teachers become more capable in technology is a good thing. We want our students to understand the technology of the 21st century. We certainly need to ensure that our teachers are proficient as well. But this amendment is not the way to reach that goal. First, expanding the lifetime learning credit for teachers at the expense of expanding the IRAs for our children runs contrary to the needs and objectives of American families. Mothers and fathers need increased wherewithal to support their children's educational goals. Mothers and fathers need stronger, more useful IRAs. They need the ability to use more of their own hard-earned money to take care of family priorities.

The Senate recognized this fact last year when we gave parents with children in grades K through 12 the ability to use educational IRAs. Our objective was to strengthen moms' and dads' ability to get the best education possible for their children. Our objective made sense then, and it certainly makes sense today.

The Coverdell bill empowers families to make decisions that are in their best interests. It allows them to use their own resources for their own benefit. Remember, the money in question here belongs to the taxpayers. They earned it, it's theirs, they will save it, and they should be able to choose how it will be spent. Let them use it where it serves them best—on their children.

Mr. President, despite what some in this Chamber continue to argue, the education IRA is not a boondoggle for the rich. The education IRA phases out for high-income taxpayers. Because of these phaseouts, the vast majority of the benefits will go to middle-income taxpayers. According to the National Catholic Education Association, almost 70 percent of the families with children in Catholic schools have income below $35,000, and almost 90 percent of those families have incomes below $50,000. These families, along with virtually all of the 38 million American families with children in public or private elementary and secondary schools, are the families that the Coverdell bill is designed to help.

At the same time, we should all take note that two-thirds of the individual income taxes in the United States are shouldered by taxpayers earning over $75,000 per year. So one can see that the Coverdell bill is focused on those families most in need of help.

As my colleagues know, the lifetime learning credit is a provision that was included in the Taxpayer Relief Act of 1997. It allows anyone pursuing postsecondary education to take a tax credit each year equal to 20 percent of their qualified expenses. The lifetime learning credit is available to anyone who meets the income requirement. Full-time students can take the credit, as can any professional who wants to continue his or her education. And this includes teachers, engineers, or research scientists.

What Senator LEVIN proposes is to single out teachers and increase their lifetime learning credit to 50 percent for technology training. Not only would this come at the expense of students and their families, but it would be inequitable among the professions. Why should a teacher receive an increased credit for his or her additional education when an engineer is limited to the current 20 percent? More important, it emphasizes one type of teacher continuing education over another. And what is the basis of claim, for instance, that we should give a 50 percent credit for teachers to become more proficient in using and teaching technology, but only give 20 percent to those who take courses to become better reading or math instructors? Those skills are also vital to function in a society.

It is important to note that the Coverdell bill already includes a provision that allows an employee, such as a teacher, to receive, tax-free, employer-provided education assistance. In other words, the bill already encourages a school to pay for its teachers to receive training such as contemplated by the Senator from Michigan. I believe we should leave this type of policy decision to the local schools. If a school attaches a high priority to the use of technology in the classroom—and we hope they do—the school can send its teacher to a training class. The best part of all is that the teacher would not have to pay anything at all—no expenses, no taxes. Under the Levin proposal, a teacher would still end up paying half the cost of this additional education.

In summary, the Levin amendment takes the means to use expanded IRAs to educate children and it creates a more distorted and, I must say, much more complex learning credit. This is not what we want to do, Mr. President. If you ask the families of America how they would choose to use the financial resources in question, I believe the vast majority would make it clear that they want the opportunity to use their money to give them greater flexibility and power to meet the educational objectives of their family.

Mr. President, I oppose the Levin amendment. The educational IRA is the foundation of the Coverdell bill. This modification guts the bill at the expense of the children. For this reason, I oppose this amendment and urge my colleagues to do the same.

I yield the floor and reserve any time that I may have left.

Mr. COVERDELL. Mr. President, how much time remains on this amendment on both sides?

The PRESIDING OFFICER (Mr. SMITH of Oregon). Seven minutes on the Senator's side, and 5 seconds on the Democrat side.

Mr. COVERDELL. I will be very brief. I yield a minute of my time to be added to the 5 seconds of the Senator from Michigan so that the Senator from Connecticut can have a word.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I thank my colleague.

Mr. President, I had not intended to speak on this amendment. I have an amendment coming up that I will be addressing. But I think it is such an important amendment that our colleague from Michigan has raised here. I think all of us have become much more highly sensitized to the critical importance of the generation of students in our country who are computer literate. It is no longer a question of whether or not that technology and the awareness of it is going to be important. It is critical. I have made the assertion that what keyboards and computers bring to this generation is tantamount to what a ballpoint pen brought to my generation. Any child today not completing elementary and secondary school without being computer literate is going to be totally unprepared for the 21st century economy.

Our colleague from Michigan has made it possible for the teachers of our Nation, who truly would like to become better prepared to instruct young people in the importance of this technology, to have the wherewithal to do so. This ought not to be a partisan debate in any way. It is a very thoughtful amendment, one that we all can be deeply proud of.

We are only some 500 days away from a new millennium, and Senator LEVIN has offered us a chance to make a difference for young people so that they might be able to acquire these skills. I commend him for the amendment and hope our colleagues will support it.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, certainly the amendment of the Senator from Michigan is a thoughtful one. But as has been noted by the Finance chairman, it completely makes moot a core principle of the underlying bill, and for that reason I oppose it.

I don't dispute the numbers that are demonstrated in his chart, but I would like to elaborate on them.

The education savings account essentially takes the education savings account that was celebrated and signed by the President last year, $500 per year to be saved, and it could only be used for higher education. The proposal before us takes that idea in its identical form and expands the $500 to

$2,000 and says you can use it in kindergarten through college. So it broadens the capacity of it.

These numbers refer to kindergarten through high school only and do not look at the cap in these accounts—that is very difficult to project—saved for college. That is No. 1.

No. 2, what that really means is that the tax relief, which is very modest for those that are in public school, is about $250 million over 5 years, and for those in private school it is about $250 million. There are more families using it in public schools, as is noted on the chart. About 70 percent of what we estimate to be 14 million families will use the savings account, and 70 percent of them will have children in public schools and 30 percent in private.

The reason it starts to equal itself in the distribution is that people who have children in private schools recognize that they are paying for the public schools with their property tax base and they have to pay for the private school education on top of that. So they have to save more. They have a higher bar to reach. I agree. They will therefore, likely save more, which means there will be more interest that is earned, which means they would have a higher proportion of this very small account.

In closing, I simply say that by offering a tax incentive over 5 years of $500 million-odd, which is modest in this big picture, it causes Americans to do a very big thing. They go out and save $5 billion, all of which will be used for 20 million children no matter where they are in school—public, private, or home—to help get them ready for the new century.

Mr. President, I will conclude my remarks and yield back the remainder of my time.

Mr. LEVIN. Mr. President, I don't think I have any time remaining. If I do, I will yield it. I thank my good friend for yielding that additional minute to Senator DODD, by the way. It was a generous gesture.

Mr. COVERDELL. I was very glad to do so.

If I might, Mr. President, for administrative clarification, I believe the sequence of events will be something like this. We are going to now take up the amendment being offered by the Senator from Connecticut, Senator DODD, and there will be a vote. I think the Senator would prefer that a vote occur after his debate. The Levin, Boxer, and Bingaman amendments will be stacked for early this afternoon just before the final vote. There are two more Senators who will debate following the vote of Senator DODD. I believe that is the description of the situation we have right now during the day.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 2305

(Purpose: To strike section 101, and to provide funding for part B of the Individuals with Disabilities Education Act)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut (Mr. DODD), for himself, and Mr. LEAHY, Mr. HARKIN, Mr. KENNEDY, Mr. WELLSTONE, and Mrs. BOXER, proposes an amendment numbered 2305.

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

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

The amendment is as follows:

Strike section 101, and insert the following:

SEC. 101. FUNDING FOR PART B OF IDEA.

Any net revenue increases resulting from the enactment of title II that remain available, taking into account the provisions of this title, shall be used to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

Mr. DODD. Mr. President, I ask unanimous consent that our colleagues, Senators LEAHY, HARKIN, KENNEDY, WELLSTONE, and BOXER, be included as cosponsors of this amendment.

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

Mr. DODD. Mr. President, I have in front of me a chart which demonstrates what I think most Members of this body are familiar with; that is, the rising cost of special education in our country and the rising population of students who are requiring special education services.

Presently, for the special education needs of America, 55 percent of the cost is being borne by our States, and 35 percent is being borne by local governments and local property taxes, and roughly 10 percent by the Federal Government. It is the Individuals with Disabilities Education Act (IDEA), endorsed and supported by those of us here in Congress, which rightly encourages and provides for the inclusion of all children who require special education services in the educational process of this Nation.

It is worthy of note that at the time the U.S. Congress passed the IDEA legislation, it was recommended that the Federal Government would provide 40 percent of the costs of special education services. Several decades later, the Federal Government is presently only contributing 10 percent of the costs of special education. Mr. President, special education costs are rising. We are told nationally that these numbers are moving up. In 1991, special education costs were 17 percent of the overall education budget; they are now 19 percent of the overall education budget.

I might also point out that the amount being spent on regular education has dropped to 56 percent, down from 58 percent. Also, the population of special needs children is on the increase. The overall population of children in elementary and secondary schools has gone up about 7.3 percent in the last few years, whereas the number of children requiring special education services has jumped over 12 percent in the same period of time. We have rising costs, rising population, and the Federal commitment to special education has remained static.

I mention this because I am offering an amendment that, with all due respect to my colleague from Georgia, would take the $1.6 billion from tax proposal that would provide $37 or $7 in tax relief for private and public school families, respectively, and use that money to lower the cost at the local and State level for special education services. If the Federal Government is to meet its full commitment of 40 percent to special education, it would need to provide $16 billion to state and local school districts, more than four times the current funding.

Let me quickly add that I commend the Budget Committee and others in recent weeks and months who have actually increased spending on special education. The total commitment to States is slightly lower than $4 billion but is still substantially less than the $16 billion needed to meet the 40-percent commitment.

I believe, given the scarce funding available to us, is that we would be far wiser, with all due respect to the authors of this underlying proposal, to take that $1.6 billion and give it back to the States and local governments to reduce the rising cost of special education in this country.

We are told that the underlying bill is about choice. I argue there should be no choice when the needs of children with disabilities are involved. Private schools can simply accept or reject students that they want or don't want. If your child is a special needs child, you don't have a choice whether you would like to go to a private school. The only school system that has to take you is a public school system. Parents with children with special needs don't have those choices. Property taxpayers, sales taxpayers, and State income taxpayers don't have any choice; they have to pay their tax bills.

The only people I know of at this very moment who have a choice about education are the 100 of us in this body. We have a choice to take $1.6 billion and provide a $37 tax break for private school students and their families, a $7 tax break for the public school students and their families, or we can help state and local school districts by providing them with $320 per special needs child so that they can provide valuable special education services. That is what my amendment does. It is saying, let's make a choice with rare funding dollars and apply them to help special needs children.

Let me share how big a cost this is and point out the situation in a number of States. In Colorado, the State must pay a 60-percent share for special education services. In Connecticut, the State provides 59 percent of special education funding. In Maine, 33 percent; Michigan, 60 percent; Missouri, 60 percent; Rhode Island, 59 percent; Virginia, 68 percent. These are huge costs at the State and local level. I have one community in my State, Torrington, CT, where 2 years ago the bill was $635,000 for special education services. Two years later, it has risen to $1.3 million. Mr. President, the costs associated with special education can often be staggering.

What I am saying is, if we think this is a national goal, to do something about special education, then we ought to be willing to help our local towns and our States to reduce their share of special education costs. The $1.6 billion that my amendment would provide is not going to pay the entire bill. It is, however, a move in the right direction. But when you have very scarce funding, wouldn't it be wiser for us to make the choice here today to reduce property and State taxes, by saying here is $1.6 billion, which we know is not going to solve the whole problem, but I want to give that money back to the States, back to the local governments, to bring down the cost of special education services.

We made that promise, Mr. President. We said decades ago we would provide 40 percent of the cost of special education, and we have never provided more than 10 percent. There is a chance for us today to provide, not $37, not $7 after taxes, but a $320 per child tax break in terms of reducing the cost of providing special education services.

It seems to me this would be a far wiser way for us to spend our money. I say after-tax dollars because I think there is some confusion. Again, I say this with all due respect to the authors of the underlying bill. But the $2,000 IRA contained in Senator COVERDELL's legislation is an after-tax proposal. It provides as much as if you put $2,000 in a savings account and the interest that it earns, that is the money you get the tax break on, not the $2,000 principle. So when I say it provides a $37 and $7 tax break, those are real numbers.

Recently, I looked at what the cost of private schools is in the greater Washington, DC, area. They run anywhere from $10,000 to $17,000 annually. Why are we providing a $37 tax break for families who are already sending their children to schools that expensive when the $1.6 billion specified in this legislation could help lower property taxes and assist with special education?

Recently, when speaking with mayors in Connecticut, they often mentioned the high cost of special education services. By not contributing 40 percent of special education costs, we are pitting families against each other in these communities. I think every one of us probably knows someone, maybe in our own families, that has a special needs child. We know the concern, the fear, that a family goes through in discovering that a child requires special education services. It is a critically important issue. But I am also aware of what happens in a community where you only have a handful of special needs students and all of a sudden their services cost a bit more and people get upset because it is their tax dollars that are paying for that education. The school systems in our states need our assistance.

What we are offering here is some relief to State and local school systems. It is not total relief. We have $1.6 billion over 10 years, what are we going to do with the taxpayers' money of this country? Do we give it back to the communities in Connecticut and elsewhere that are struggling to meet the cost of special education? Or do I write a $37 check to someone who is sending their child to a school that is costing $10,000 or $13,000 or $14,000 a year? I don't know how you justify it. I don't know how I can explain to my constituents not providing some relief to their school systems for an area of great concern and importance—special education.

That is the choice I get to make here in the next few minutes. Do we take these dollars and return them to our States, return them to our towns, trying to make a real difference for special education, or do we take them to provide minor tax relief.

Now, again, let me mention briefly the role of public and private education. At this very hour, all across our country, even on the west coast where the Presiding Officer is from, children have started school. There are 53 million children in elementary and secondary schools at this very hour all across our country; 48 million of them are in public schools and 5 million are in private schools. So we are talking about $1.6 billion, $37 of which goes to students in those private schools, $7 of which goes for those in public schools.

I am a product in many ways of private education. My parents made that choice. I respect them for having made it. However, my parents never thought they should get a tax break for doing so. They understood that this Nation had a special obligation to public education and particularly the families with special needs children. I had to be accepted to the private schools I attended. They didn't have to take me. Private schools can reject anyone they want. Public schools cannot. Public schools must accept these children. And you have that family that has done everything right and, unfortunately, has a situation with a child who requires special education services, and they, of course, want that child to succeed. They don't have the choice of going to a private school. Private school is not going to take that cost on. They have to attend a public school. Let us try to provide the valuable resources specified by this legislation to our local communities to help that family receive special education services for their child, to say to the other property taxpayers in that town that we are going to provide the 40 percent of special education costs we promised we would and never have.

One hundred of us here in the next 20 minutes or 15 minutes will be given the choice of deciding which is a higher priority. It is not a question of we would like to do everything. We can't do everything. But, we have $1.6 billion and we are going to decide in the next 15 minutes where it is going to go.

Does it go toward a $37 tax break for someone who has their child enrolled in a private school, or does it come back to that community in my State and other States all across this country to provide some needed tax relief—at $320 per child—to begin the process of lowering the cost of special education services and making a difference in our towns and for these families. That is really the choice. That's the real choice we have before us today.

Mr. President, let me ask how much time I have remaining.

The PRESIDING OFFICER. The Senator has 1 minute and——

Mr. DODD. I withhold the remainder of my time.

The PRESIDING OFFICER. The Senator from Georgia has 15 minutes in opposition if he chooses to use it.

Mr. COVERDELL. Mr. President, there are so many numbers tossed around. Anybody listening to this debate must be somewhat befuddled. You try to step back from it and look at the bigger picture.

First of all, the concern of the Senator from Connecticut about the funding of special education is a real one, but he has already alluded to one of the major problems, and that is this mandate, which is one of the largest mandates in American history, ordered by the Congress on local communities in 1975, and in 1975 the promise was 40 percent of the funding would be Federal, 40 State and 20 local. Now, the other side, until 1994, was in control of the Congress and never sent the check.

Since we have been in the majority, last year we put in another $700 million. The Senate budget resolution placed special education as the top priority. Republicans are seeking an additional $2.5 billion over the next 5 years for educating children with disabilities. In fiscal year 1997, the President requested $3.6 billion for this IDEA. Our Congress provided $4 billion for it. In fiscal year 1998, the President requested $4.2 billion for this. We came up with $4.8. The President's proposal

for 1999 proposes $4.8 billion a year for IDEA. Our resolution calls for $5.3 billion, a $0.5 billion increase.

So, while the other side controlled the Congress, this promise was left unfulfilled. Since we have controlled the Congress, we have begun paying down that obligation. In the Republican BOOKS proposal, we proposed fully funding it. The Budget Committee is moving rapidly in that direction. We are not there yet. And we did it, and have been doing it, without gutting other ideas.

So the additional money my friend from Connecticut talks about that ought to be fulfilling this promise—it is being done. We are doing exactly what he has asked that we do, and—comma "and"—we are trying to help 14 million American families individually take charge and help to connect them to the education of their children. We do not think it is mutually exclusive, you have to do this or you have to do that. We are doing both. So, since we have been in the majority, and the Senator acknowledged it, we have been moving to try to fund IDEA.

This $1.6 billion that's referred to, that is tax relief over 10 years, and the $37, of course, is a statistical average, as is the $7. But it does not take into account the principal. The tax relief was only accrued because of the principal. For $37, you have to have $1,000 in the account; for $7, you have to have $250. But what it means is we will have taken this $1.6 billion in relief to the same middle-class families that the President designated last year, the same criteria, same concept, and the Joint Tax Committee tells us that because of that modest tax incentive, these 14 million families over 10 years—that is the 10-year number you are using—will save, in principal and accumulated interest, over $10 billion; 10 billion new dollars coming behind education.

These $10 billion are not public dollars. They are private. They are willfully volunteered by these families. So it means that public education will get, over the next 10 years, in support of it, $5 billion. And private will get $5 billion. And, yes, the private represents fewer families, but it still means, at the bottom line at the end of the day, that there is $5 billion flowing behind public schools all across the country and there is $5 billion flowing behind private and home schools across the country.

Those are very smart dollars, too, because they are in individual family checking accounts where people know exactly what the frailty or problem is of a given child. If it is a math deficiency, it is going to go to hire a math tutor. If it is an inner city student who does not have a home computer, it is going to purchase a home computer. If it is transportation that is needed for an afterschool program that we all want to encourage —it is smart dollars. Public dollars have a hard time doing that, going right to the problem. If it is dyslexia or special education, it will flow right to it. And no school board is going to have to raise the property tax to get ahold of this $10 billion, no State is going to have to raise income tax, and we are not having to raise taxes. This is volunteered money, and I think the value of the money is geometrically increased, it is probably worth three times other dollars because it is being driven right into the child's need.

The point we do not talk a lot about here—and they are not in these figures, either—is that the one distinction this savings account has is that it can accept contributions from sponsors—an employer, a church, a grandparent, a sister or brother, a neighbor, a benevolent association. And as people understand this and they begin to connect to these ideas, there is going to be a lot more money in those accounts than we have even envisioned.

Another point I would make about the savings account to my colleague from Connecticut, is that every time a family makes a conscious decision to open a savings account—every time they do it—there is a mental connection to that child's education. And every month, for 20-some-odd years, they will get a notice from some financial institution that tells them the condition of that child's account. It will remind them every month of the requirements and needs and will make them think about what those children need.

I can certify that to be absolutely true because my dad and I did the same thing for my sister's two sets of twins. We knew we were going to have some problems with the financial burden. So we started putting a little away. It was not a huge amount of money when they had to go to school—but it was a lot. And if this had been in place, it would have been twice what we had in that account. I think we got it up to $6,000 or $7,000. It would have been doubled. It could have been tripled if we kept it 30 years and used it for college. There is a special ed feature of this, too. Because if the child has a special educational need, it will stay with the child until he or she is 30 years old.

So, my point is this. We agree that special ed needs attention and the Congress has been a party in seeing to this, and it has created enormous problems and we are responding to it. I am just citing the numbers here. But we are doing it, along with other reforms. We are doing it with an education savings account. We are doing it with a school construction proposal. We are doing it, helping employers fund continuing education for their employees. We are doing it and we are helping support 21 States that have prepaid tuition programs for families to help get ready for the cost of higher education. Mr. President, 17 more States are coming into the picture.

We are accomplishing the funding of IDEA—which we agree is important. But we are not stopping the other changes and other ideas to help families. My colleague mentioned somewhere, I believe, around 50 million are in our elementary and secondary schools. Mr. President, 20 million of them will be beneficiaries of these accounts, half of the entire population. Some will be more; some will be less. Some will save the full amount; some will only save part of it. Some will accumulate $1,000; some will accumulate the entire amount. But they will all be helped and they will all be reminded about the needs of those children

Like I said, we are funding IDEA. We are giving parents new tools. We are giving employers new tools. We are supporting the States with prepaid tuition programs. And we are building new schools. That is the underlying motion here.

Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator has 4 minutes 12 seconds. The Democratic side has 1 minute 18 seconds.

Mr. DODD. I yield a minute to my good friend from Rhode Island, and I ask unanimous consent that he be added as a cosponsor.

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

Mr. REED. Thank you very much. Mr. President, I rise in very strong support of the amendment of the Senator from Connecticut. I think it illustrates two important points.

First, the huge gap between what the Federal Government promised in terms of special education support to the States and what was delivered. Even though, as the Senator from Georgia pointed out, we are trying to do better, we can do much better. And using these resources rather than engaging in the private savings plan as the Senator from Georgia proposes, but using these resources to assist special education, I think, will be the best way to use these dollars.

The second point I think the amendment of the Senator from Connecticut illustrates is the critical role that public education plays in our country, because these students—typically these disabled students—are all public education students. Private facilities don't take these individuals typically because they can't afford them and they think they are disruptive. That is the essence of private education. They can pick and choose.

A public school cannot. We have committed ourselves in this Congress to ensure that every child in this country, regardless of ability or disability, has a free, excellent public education. But what that means in practice is that our public schools have to respond to large

numbers of special education students, something to which private education does not respond. That is, I think, at the heart of this debate.

If we are going to have a public school system that we expect to give education to all of our citizens, then we cannot siphon off resources to private education in the way that is proposed by these savings accounts. We have to match our orders and commands to the schools of America and to educate all of our citizens with resources.

This amendment does that. It preserves a program that we have all stood up and said is vitally important to this country, both educationally and socially—and that is special education—and it does so by reinforcing public education. That is the way we should proceed.

I commend the Senator from Connecticut for his efforts in regard to this amendment today.

Mr. DODD. I thank my good friend from Rhode Island. Mr. President, I understand there will be a point of order raised against this amendment. I regret that, because I am not asking to spend any more money than the underlying amendment does, but I realize this is a point of order that will be sustained. I will make an appropriate motion to vote on that.

I am sorry that is going to be the case, because I really do believe that this is the one opportunity, a chance, after we all talked about trying to do something, about reducing the cost to communities, to make the choice to do so. But I need 60 votes, I am afraid, to prevail on all of that. When the appropriate motion is made, I will respond to it. I hope that will not be the case. I hope we can have an up-or-down vote as we have had on every other amendment.

I believe my time has expired, and if it has, I believe my colleague wants to make an appropriate motion.

Mr. COVERDELL. Mr. President, has the proponents' time expired?

The PRESIDING OFFICER. It has expired.

Mr. COVERDELL. Mr. President, I do not believe we need to be in a dilemma where it is either/or—do this and not the education savings account, or do the other.

The Senator from Connecticut is correct that I will raise a point of order. The Congressional Budget Office has told us this amendment creates a new entitlement for special education, a program which has always been discretionary since its creation in 1985. This spending would be charged to the Finance Committee, which has already exceeded its allocation.

Therefore, we conclude that amendment No. 2305, offered by my colleague from Connecticut, Senator DODD, violates section 302(f) of the Congressional Budget Act because it provides for an increase to direct spending beyond the allocation of the committee of jurisdiction. I, therefore, raise a point of order under section 302(f) of the Budget Act against this amendment. I assume my colleague will move to waive.

MOTION TO WAIVE THE BUDGET ACT

Mr. DODD. Mr. President, I move to waive the Budget Act so that the amendment may be considered. I ask for the yeas and nays.

Mr. COVERDELL. I yield back my time in order to facilitate the two motions.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. DEWINE). The question is on agreeing to the motion to waive the Budget Act with respect to amendment No. 2305, offered by the Senator from Connecticut. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

The yeas and nays resulted—yeas 46, nays 53, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—46

Akaka	Feinstein	Levin
Baucus	Ford	Lieberman
Bingaman	Glenn	Mikulski
Boxer	Graham	Moseley-Braun
Breaux	Harkin	Moynihan
Bryan	Hollings	Murray
Bumpers	Inouye	Reed
Chafee	Jeffords	Reid
Collins	Johnson	Robb
Conrad	Kennedy	Rockefeller
D'Amato	Kerrey	Sarbanes
Daschle	Kerry	Torricelli
Dodd	Kohl	Wellstone
Dorgan	Landrieu	Wyden
Durbin	Lautenberg	
Feingold	Leahy	

NAYS—53

Abraham	Frist	McConnell
Allard	Gorton	Murkowski
Ashcroft	Gramm	Nickles
Bennett	Grams	Roberts
Biden	Grassley	Roth
Bond	Gregg	Santorum
Brownback	Hagel	Sessions
Burns	Hatch	Shelby
Byrd	Helms	Smith (NH)
Cleland	Hutchinson	Smith (OR)
Coats	Hutchison	Snowe
Cochran	Inhofe	Specter
Coverdell	Kempthorne	Stevens
Craig	Kyl	Thomas
DeWine	Lott	Thompson
Domenici	Lugar	Thurmond
Enzi	Mack	Warner
Faircloth	McCain	

NOT VOTING—1

Campbell

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, it is my understanding that in the regular order we will now go to the amendment to be offered by the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 15 minutes.

AMENDMENT NO. 2306

(Purpose: To improve academic and social outcomes for students by providing productive activities during after school hours)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mrs. MURRAY, Mr. BINGAMAN, Mr. JOHNSON, Mr. LIEBERMAN, Mr. SARBANES, Mr. KERRY, Mr. DODD, Mr. DURBIN, Mr. LEVIN, Mr. AKAKA, Mr. KOHL, Mr. WELLSTONE, Mr. BRYAN, Mr. KENNEDY, Mr. INOUYE, Mr. DASCHLE, and Ms. MOSELEY-BRAUN, proposes an amendment numbered 2306.

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

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

The amendment is as follows:

At the end, add the following:

TITLE ___—AFTER SCHOOL EDUCATION AND SAFETY

SECTION ___01. SHORT TITLE.

This title may be cited as the "After School Education and Safety Act of 1998".

SEC. ___02. PURPOSE.

The purpose of this title is to improve academic and social outcomes for students by providing productive activities during after school hours.

SEC. ___03. FINDINGS.

Congress makes the following findings:

(1) Today's youth face far greater social risks than did their parents and grandparents.

(2) Students spend more of their waking hours alone, without supervision, companionship, or activity than the students spend in school.

(3) Law enforcement statistics show that youth who are ages 12 through 17 are most at risk of committing violent acts and being victims of violent acts between 3 p.m. and 6 p.m.

SEC. ___04. GOALS.

The goals of this title are as follows:

(1) To increase the academic success of students.

(2) To improve the intellectual, social, physical, and cultural skills of students.

(3) To promote safe and healthy environments for students.

(4) To prepare students for workforce participation.

(5) To provide alternatives to drug, alcohol, tobacco, and gang, activity.

SEC. ___05. DEFINITIONS.

In this title:

(1) SCHOOL.—The term "school" means a public kindergarten, or a public elementary

school or secondary school, as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) SECRETARY.—The term "Secretary" means the Secretary of Education.

SEC. ___06. PROGRAM AUTHORIZED.

The Secretary is authorized to carry out a program under which the Secretary awards grants to schools to enable the schools to carry out the activities described in section ___07(a).

SEC. ___07. AUTHORIZED ACTIVITIES; REQUIREMENTS.

(a) AUTHORIZED ACTIVITIES.—

(1) REQUIRED.—Each school receiving a grant under this title shall carry out at least 2 of the following activities:

(A) Mentoring programs.

(B) Academic assistance.

(C) Recreational activities.

(D) Technology training.

(2) PERMISSIVE.—Each school receiving a grant under this title may carry out any of the following activities:

(A) Drug, alcohol, and gang, prevention activities.

(B) Health and nutrition counseling.

(C) Job skills preparation activities.

(b) TIME.—A school shall provide the activities described in subsection (a) only after regular school hours during the school year.

(c) SPECIAL RULE.—Each school receiving a grant under this title shall carry out activities described in subsection (a) in a manner that reflects the specific needs of the population, students, and community to be served.

(d) LOCATION.—A school shall carry out the activities described in subsection (a) in a school building or other public facility designated by the school.

(e) ADMINISTRATION.—In carrying out the activities described in subsection (a), a school is encouraged—

(1) to request volunteers from the business and academic communities to serve as mentors or to assist in other ways;

(2) to request donations of computer equipment; and

(3) to work with State and local park and recreation agencies so that activities which are described in subsection (a) and carried out prior to the date of enactment of this Act are not duplicated by activities assisted under this title.

SEC. ___08. APPLICATIONS.

Each school desiring a grant under this title shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

(1) identify how the goals set forth in section ___04 shall be met by the activities assisted under this title;

(2) provide evidence of collaborative efforts by students, parents, teachers, site administrators, and community members in the planning and administration of the activities;

(3) contain a description of how the activities will be administered;

(4) demonstrate how the activities will utilize or cooperate with publicly or privately funded programs in order to avoid duplication of activities in the community to be served;

(5) contain a description of the funding sources and in-kind contributions that will support the activities; and

(6) contain a plan for obtaining non-Federal funding for the activities.

SEC. ___09. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $50,000,000 for each of the fiscal years 1998 through 2002.

SEC. ___10. SENSE OF THE SENATE.

It is the sense of the Senate that funding to carry out this title should be provided by a reduction in certain function 920 allowances, as such reduction was provided in the Senate-passed budget resolution for fiscal year 1999.

Mrs. BOXER. Mr. President, I ask that the Chair inform me when I have used 8 minutes.

Mr. President, I am very pleased to offer my After School Education and Safety Act as an amendment to the Coverdell bill. I want to mention those who are original sponsors of this legislation. They are: Senators MURRAY, BINGAMAN, JOHNSON, LIEBERMAN, SARBANES, KERRY from Massachusetts, DODD, DURBIN, LEVIN, AKAKA, KOHL, WELLSTONE, BRYAN, KENNEDY, INOUYE, DASCHLE, and MOSELEY-BRAUN. I mention them because I am very proud of their support for this very important measure.

This is not a new issue. I presented this plan to the entire Senate during the budget markup, and I am very pleased to tell you that my amendment was adopted unanimously. I think most Senators understand the fact that after-school programs are very important for two reasons. First of all, our children need the mentoring help, our children need the attention, and our children need the community support after school because it really increases their academic achievement.

Secondly, the FBI has told us that from the hours of 3 p.m. to 6 p.m., juvenile crime goes way up because our children are joining gangs, and they are getting into trouble after school. We need to do something to keep them busy and to keep them out of trouble. That is why I believe I got such unanimous support for this legislation during the budget debate. We have set aside $50 million in the budget for this program. Now we have a chance to authorize it.

I am very hopeful that my colleagues on both sides of the aisle will now follow though on the commitment they made in the budget resolution.

Mr. President, in this picture you can see some of the faces of what we are talking about. These are children in a California after-school program in Sacramento. You can see from the looks on their faces how excited they are about the work they are doing after school.

We have some others pictures to show you. This picture shows some of the valuable mentoring that occurs in this after school program. These children are working in small groups with a teacher or volunteer. These children are learning a tremendous amount. In fact, the academic performance of these students has dramatically increased as a result of the attention that they are getting after school.

Here are some pictures of the children learning music. There was a new study that just came out yesterday that says that children who engage in musical activities achieve higher levels of academic success. I see that our majority leader is on the floor. He had a group of singing Senators and I think he realizes the value of music. Music promotes camaraderie and brings us together.

Here we see the children learning how to play the drums in an after-school setting.

Finally, I have a picture of children working with one of the law enforcement officers who come into these programs.

Whether it is L.A.'s Best or Sacramento Start, whether it is the Tenderloin Program in San Francisco, or our after school program in Oakland, all of these after school initiatives desperately need some attention from our National Government. There is not one program in the Department of Education that is exclusively for after school, not one.

Through my amendment we have an opportunity to improve the Coverdell bill, a bill that started off as a very simple bill. Unfortunately, I think that this bill is turning into an anti-education bill. I have to say that with a heavy heart because I really thought that we would have some bipartisanship.

But what has happened to this bill? I think what we have before us is a bill that has been amended in such a way that it does great damage to our children. Let me explain what I mean.

We had a number of amendments that were rejected out of hand—amendments to try to rebuild our schools. I understand why Senators who like the underlying bill voted against that, but they have not reached across the aisle to try to come up with any compromise on it at all.

Our kids are facing schools that are crumbling. We do nothing. We reject it out of hand. We don't work for compromise. We say no. We had an amendment simply expressing support for reducing class sizes that was only debated for 3 minutes. That amendment passed. But then someone changed the vote, and we rejected that. If you ask parents all over this country, they will tell you that they want smaller class sizes.

So what provisions do we accept? We also voted on an amendment that essentially will prohibit the implementation of a program to test our students so parents will know if their kids are doing well or doing poorly and schools can be held accountable. To this, we say yes. To me this is unbelievable. We have an education bill here is that is turning into an anti-education bill, an antiparent bill, an antistudent bill. We

also have other amendments that did away with a whole series of programs and made them optional for schools.

When Neil Armstrong landed on the Moon he said it was "one small step for man, one giant leap for mankind." This bill was one, tiny step forward for education, and it has become a huge step backward for education.

Listen to the list of the nationally recognized programs that are done away with summarily in this bill.

Critical programs for disadvantaged kids including Title I; School to Work; Goals 2000; STAR schools; education technology; Eisenhower professional development, which is teacher training; safe and drug-free schools; magnet school assistance; telecommunications demonstration project for math skills, a fund for the improvement of education. The Javits gifted and talented education funding to support programs for special children is done away with. The Eisenhower regional math and science consortium is done away with. If you read President Eisenhower's comments on what we ought to do in education in the 1950's, he said, "It takes more than guns to make us strong." We need strong kids and we need them to learn. Yet now we are doing away with the Eisenhower program.

We are eliminating the International Education Exchange, which supports educational exchange programs. That is what the Gorton amendment did away with, or made it optional. The Gorton amendment took the National Government completely out of education. Education is the most important thing in the world, and this bill is a giant step backward.

We can improve this bill a little bit if we support the Boxer amendment to support education and reduce juvenile crime.

I told you before that juvenile offenders commit crimes between the hours of 3 p.m. to 6 p.m. That is why the police in my home state are supporting the Boxer amendment. This includes bipartisan support from the chiefs of police of many, many cities in my State. California law enforcement understands that when it comes to our children, we shouldn't seek party lines. That is why I hope people will vote for this.

Let's hear what the police chief from Los Angeles says about the need to invest in our children:

> Police leaders know that America's commitment to putting criminals in jail must be matched by its commitment to keeping kids from becoming criminals in the first place.

Here is another quote from our law enforcement officials.

"Crime Fighters Support After-School Programs":

> We . . . call on all public officials to protect public safety by adopting commonsense policies to: Provide for all of America's school-age children and teens after-school programs, and access to weekend and summer . . .

This statement is very, very clear. The organization that made this statement—Fight Crime, Invest in Kids—has 170 of the Nation's leading police chiefs, sheriffs, and prosecutors. Across the country law enforcement officials support after school programs.

Mr. President, I am hopeful that we will see a little bipartisanship. You all voted for it in the budget. You know what we did. We cut Government travel to pay for this initiative to fund 500 after school programs. The local school districts will design them. They will pull in community groups like Big Brothers and Big Sisters. They will bring in the business community.

Mr. President, we can keep our kids learning and keep them out of trouble. There is no magic solution to solve all the problems that our Nation is facing in terms of crime. But if we had to choose one way to fight crime it should be to keep our kids engaged when they are in school.

I really look forward to this vote. I hope it will be bipartisan.

I yield 2 minutes to my friend, Senator JOHNSON.

The PRESIDING OFFICER. The Senator from California has 4 minutes 10 seconds remaining.

Mrs. BOXER. I retain the remainder.

Mr. JOHNSON. Mr. President, I thank the Senator from California and applaud her great leadership on what I think is one of the critical issues in our Nation today.

I think it needs to be emphasized that the after-school program amendment being offered by Senator BOXER is not an alternative to the underlying Coverdell bill. Unlike other amendments that we have considered today, this is an add-on that is independent of the funding that is committed to the Coverdell legislation.

I have been holding meetings all around my State of South Dakota, which is an overwhelmingly rural State. The Senator from California represents a State with large urban areas. One of the things that we share is a very strong sense from parents, from child care providers, teachers and school administrators, and from everyone who follows this issue that after-school programs are among the most important items on which we should focus our attention.

In fact, the Republican Governor of my State has played a leading role in our State in trying to better utilize our school resources, recognizing that working moms are a larger and larger percentage of the work force. Welfare is pushing more and more people, mostly working moms, into the workplace because we have provided bipartisan support for that goal. We have increasing numbers of latchkey kids in all of our communities, large and small. After-school programs for these children are either nonexistent or far too expensive. We have studies from our law enforcement officials indicating overwhelmingly that between the hours of 3 to 6 in the afternoon is the greatest amount of juvenile crime, alcohol and drug experimentation, and sexual experimentation. All this takes place because we have an entire generation of young people in unsupervised settings, and these problems are becoming more widespread.

I applaud Senator BOXER and her effort to come up with an amendment that not only addresses this key issue but does it in a way that does not create new Federal bureaucracy, does not federalize anything but instead utilizes local resources, leaves the options and the administration and the decisions at the local level. Because of all of these strong reasons, I think this is a very positive and constructive contribution to the underlying legislation, and I certainly again applaud the Senator's leadership, and yield back the time to her.

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

Mrs. BOXER. I thank the Senator.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

The Senator from Georgia.

Mr. COVERDELL. Mr. President, we have just been joined by the Senator from Arkansas, who I believe rises in opposition to this amendment. I yield up to 5 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I thank the Senator from Georgia.

I rise to speak in opposition to the Boxer amendment. My concern is that while there is, without doubt, an acknowledged need for after-school care and an acknowledged need for mentoring and tutorial-type programs, this would be taking the wrong step in the wrong direction and would create another Federal program, which, in my estimation, would be highly duplicative of existing programs, a multiplicity of Federal programs that already have been created for this purpose.

School districts already have the authority to establish after-school learning centers, many already financed, and will benefit from additional provisions of this year's budget for after-school programs.

Let me give just a few examples. The 21st Century Community Learning Centers Act provides $40 million for rural and inner-city public schools to establish after-school programs. The Safe and Drug-Free Schools Act allows money to be spent on after-school programs with a drug and violence prevention component. The child care development block grant and the community development block grant also provide money for child care, including

after-school care. The Juvenile Justice Act will also target millions of dollars on prevention programs, including mentoring programs and after-school programs. It has already passed the House. These are just to give a few examples.

So I, once again, must object to the philosophy underlying the Senator's amendment to create another Federal program. While I agree that one-on-one mentoring and tutoring is valuable, it will help improve educational achievement of students, such tutoring is already allowable under at least 19 other Federal programs.

So I have listed a number of programs in which we have after-school care provided. There are 19 programs that have tutoring and mentoring components: AmeriCorps, Learn and Serve, VISTA, JUMP, the Juvenile Justice Mentoring Program, CAMP, the Migrant Education Mentoring Program, TRIO, are all examples of existing mentoring and tutoring programs that are out there already.

The Senator's amendment, in my estimation, would simply duplicate these existing programs. In addition, we find there are a great many volunteer organizations that are providing and supplying after-school care currently. We are going to prohibit them, exclude them from the possibility of even applying for, competing for these grants. And so I think that is a serious, serious weakness in the amendment as well. Organizations like the YMCA would be ineligible to compete for the grants even though they currently are doing a tremendous job in providing after-school care in many cities and many school districts. So to say it has to be school-based, run through the school, I think would unfairly exclude those that are currently doing such a great job.

The application described in Senator BOXER's amendment is a laundry list of paperwork. Read the amendment: identify goals, provide evidence of a collaborative effort, describe how the program would be administered, demonstrate how the activities will utilize or cooperate with programs, describe sources of other funds, provide a fundraising plan. All of these will require more bureaucrats, more administration, more reports, additional costs, and it would in all of that duplicate what we already have out there.

I think it is the wrong thing for us to establish another Federal program when we have good programs there that need additional resources. We do not need to dilute that, diminish that by starting another Federal program for after-school care for tutoring and mentoring.

So I ask my colleagues to consider this, do not just vote for an amendment because it has a good purpose, because it has a good goal in mind. Consider seriously that this program will be competing with a whole host of Federal programs already designed to meet this need in our schools and among our young people. I think that need is being met, and it would be a mistake for us to create more bureaucracy and a new Federal program. I hope my colleagues will oppose the Boxer amendment.

I thank the Senator from Georgia for yielding this time.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I wonder if the Senator will yield for a question. As I understand what the Senator is saying, we have sort of gotten ourselves into this difficulty over the years by creating another program and another program. How many programs did the Senator say we already have?

Mr. HUTCHINSON. There are 19 existing programs for mentoring and tutoring on the books as well as a whole host of programs dealing with after-school care.

The PRESIDING OFFICER. The Chair would advise the Senator from Georgia has 10 minutes.

Mr. COVERDELL. I appreciate that, Mr. President.

In reading the amendment, it appears to me this establishes a direct link between the Department of Education—Federal—and a school. I do not see from reading this that the grant process would run through the State's board of education or the district board of education. This would be school to the Secretary.

Mr. HUTCHINSON. That is my understanding as well, which is another step I believe in federalizing our local schools and removing the control ultimately from the local schools.

Mr. COVERDELL. I did think that was a philosophical problem, but I think the more important issue that the Senator raises is this layering and layering and layering. We are struggling with that in every component of the Government. I don't know how many programs we have for students. It just seems that we keep coming up with one after another after another.

Mr. HUTCHINSON. With another new program, there is another layer of bureaucracy, another level of bureaucracy created. It really dilutes the resources we have actually getting to those kids who are in need of after-school caring and one-on-one tutoring.

Mr. COVERDELL. I appreciate the remarks of the Senator from Arkansas. I do want to address several of the remarks that were made by the Senator from California with regard to the legislation in general.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes 30 seconds.

Mr. COVERDELL. And the Senator from California?

The PRESIDING OFFICER. The Senator from California has 2 minutes.

Mr. COVERDELL. Mr. President, the Senator indicated that the underlying legislation could actually be harmful. I am puzzled by that statement, somewhat stunned. And that we have not reached out.

The first point I make is that the underlying legislation, in great part, has been designed by a colleague of the Senator from California, Mr. TORRICELLI, of New Jersey, who sits right next to her. The underlying proposal has a significant component for new school construction. The legislation was designed and offered in the Finance Committee by the Senator from Florida, Mr. GRAHAM, on the other side of the aisle. The underlying proposal has a very key provision to enforce or reinforce States that have prepaid tuition to help children meet college costs, and that was designed by Senator BREAUX, of Louisiana, on the other side of the aisle. The underlying provision has a key component to help employers help employees who need continuing education, and that was either designed by Senator MOYNIHAN from New York or Senator BREAUX from Louisiana.

So the underlying proposal, if you really want to add up just the financial impact, is 80 percent designed by the other side of the aisle and about 20 percent from our side. I guess in the general division of the issues, it is about 50/50. But the underlying proposal will make available to 14 million families and half the school population of the United States, or thereabouts, the benefits of education savings accounts that their parents or sponsors can open; will reinforce the prepaid tuition programs of 21 States in the Union, 17 of which are coming on board; will support continuing education for 1 million employees, 1 million students in these prepaid tuition programs, and 250,000 graduate students.

I know we can have our differences about how to confront the issue of education. It is good that we are having the debate. We all want to improve it. We all want to get ready for the new century. But I don't think it is accurate to suggest that the underlying proposition would be harmful, A, or, B, that it is a partisan instrument, because it just is not.

Mr. President, how much time remains on my side?

The PRESIDING OFFICER. The Senator from Georgia has 5 minutes 15 seconds.

Mr. COVERDELL. I reserve the remainder of my time.

Mr. LEAHY. Mr. President, I rise today in support of Senator BOXER's amendment to the Education IRA bill because it will ensure schools across our nation have the additional resources they need to establish and expand after-school programs for school-aged children. With more and more parents of school-aged children working outside the home, we, as a nation,

must make a commitment to our children to ensure they have safe and supervised places to be during the after-school hours. This amendment would provide much-needed funding to schools to set up such programs in their buildings or other public facilities, a cost-efficient way to provide children and teens with activities after the school bell rings.

With youth at most risk of getting into trouble between 3 and 8 p.m., this additional funding will help keep teens out of trouble during these critical hours. I know how effective and important after-school programs are, parents around the country know it and our law enforcement officers know it. In fact, a recent survey of nearly 800 police chiefs from across the nation found that 90 percent of the chiefs viewed prevention as a key factor in reducing our nation's juvenile crime rates. In my opinion, the best crime reduction strategy is one which prevents crime from happening. The $250 million authorized in this amendment is a good investment, not only because it will provide children with a safe haven, but also because it will likely lead to reduced crime rates in neighborhoods which choose to implement or expand their after-school programs.

I am particularly pleased with the flexibility provided in Senator BOXER's amendment. While no school is required to participate, those which do may use the funds for children of any age—from kindergarten through high school. Those schools which choose to participate would also have the flexibility to decide what sort of programs to offer. For example, schools receiving grants could engage in mentoring activities, tutoring or academic assistance programs, recreational activities or technology training. So long as a school offers at least two of these activities, it would meet the grant's eligibility requirements. Schools could also offer drug or alcohol prevention programs, gang prevention programs, health and nutrition counseling and job skills training. These broad categories of activities will allow the local schools to decide how their children spend their after-school hours while ensuring that the children and teens are engaged in productive activities.

Vermont is fortunate to have a wide variety of after-school programs available for children, both on and off school campuses. I have been working to ensure this diversity of programs continues. But, I hear again and again from parents in Vermont that we need more after-school programs for our state's children. Senator BOXER's amendment would ensure one piece of the puzzle is better funded—after-school programs on school and public property. I plan to continue pushing for other resources for after-school, evening and weekend programs, including in S.10, the Violent and Repeat Juvenile Offender Act of 1997. As the Ranking Member of the Judiciary Committee, I have been fighting hard to ensure that S.10 has dedicated funding for a variety of crime prevention programs. Senator BOXER's amendment is a perfect complement to these ongoing efforts.

The PRESIDING OFFICER. Who yields time? The Senator from California.

Mrs. BOXER. Mr. President, I ask for a minute of my time to say simply that Senator COVERDELL criticizes my proposal because it is a new program when he in fact is putting forward a new program. The issue is not about creating a new program. He doesn't like this program, he likes his.

Senator COVERDELL's proposal gives the average private school household a $37 a year benefit; if you are in public school, you fare worse, $7 a year. And he likes the program. That is fine. But he doesn't talk about these deleterious amendments that have made this a very dangerous bill by canceling 20 programs that help our children read and learn. Programs created by President Eisenhower, Senator Javits, tried and true programs, are canceled, put in a block grant to let the locals do what they want.

The fact is, the local districts like these programs yet this bill seeks to eliminate them. Other programs supported by local districts are rejected out of hand. The Senate rejects putting more teachers in the classroom; rejects any national testing. This is a bill that has now been amended in such a fashion it does harm to our children.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mrs. BOXER. I reserved that 1 minute, if the Senator will take his time now.

Mr. COVERDELL. Please proceed.

Mrs. BOXER. All right, we will do that. I just ask the Senator, since he has 5 minutes and I have a minute, if I feel compelled, will he give me an additional 60 seconds to respond to his concluding remarks?

Mr. COVERDELL. I will be glad to yield a minute of my time to the distinguished Senator from California.

Mrs. BOXER. The Senator is a good debater, so I want to have that opportunity.

But I also want to respond to the Senator from Arkansas. I am sorry he is no longer in the Senate chamber. He has criticized this after-school program because it is a new program. In actuality this is not a new program. The after school programs that would be funded by this amendment are going on. The local districts are doing a great job, but they need help, and more want to do this.

The Senator from Arkansas criticizes this program yet his side of the aisle agreed to it unanimously in the budget. We already debated this Boxer amendment, this exact same thing, in the budget resolution. The Senator from Arkansas didn't object to it then.

In addition the Senator from Arkansas cites a lot of programs that could fund after school initiatives, but those programs are not exclusively for after school; they also could fund senior citizens, parenting skills, or employment counseling. There is no direct program that responds to the fact that after school the crime rate soars and doesn't stop until mom and dad get home.

Do you know how we pay for this program? By cutting the travel budget for bureaucrats. This seems a reasonable price to pay to protect and educate our children after school.

The PRESIDING OFFICER. The Chair will advise the Senator she has 1 minute.

Mrs. BOXER. Do I have 1 minute remaining?

The PRESIDING OFFICER. The Senator has used her minute. She has a minute of the Senator from Georgia.

Mrs. BOXER. Thank you, Mr. President. I will withhold until my colleague completes his remarks.

Mr. COVERDELL. I assume I have somewhere in the range of 4 minutes?

The PRESIDING OFFICER. The Senator has 4 minutes left.

Mr. COVERDELL. Mr. President, the first point I want to reiterate is, we do have to acknowledge, apart from the amendments, that the points I made a moment ago are all in the underlying bill: Education savings accounts for 14 million families, 20 million children. And I might point out, those savings accounts will bring—when you use the figures $37 and $7, you are only talking about the interest that is saved because we didn't tax it in a given year.

When you talk about the savings accounts, you have to look at the principal, and what happens is, when we create them, Americans do very big things and they go out and save, over a 10-year period, $10 billion. That $10 billion—$5 billion will support students in public schools and $5 billion will support students in private schools, without us having to raise another dime. No taxes have to be raised, no property tax, no income tax. This is families stepping forward with a huge infusion of money. We are building new schools; we are helping employees with continuing education; we are helping millions of students with the costs of higher education.

To the amendment that the Senator has addressed, let me just say first, the amendment permitting block grants is totally voluntary; no one is required to do anything. It is a 3-year experiment that says if California wants to keep the system the way it is, fine. If they would like to experiment with the block grant, they might do that. If they want to experiment with the grant going directly to the school district, they might. But nothing is ordered.

Frankly, I am one of those who thinks the Federal system has become so ensnarled that it severely constrains and restricts local communities. We had a story here just the other day of a person—they couldn't build new classrooms. They needed new teachers, but they had to have the classrooms to reduce class size. Because of Federal constraints, they couldn't get it done. I think the idea of loosening the flexibility is good.

With regard to testing, it is very controversial. There are many of us who believe national tests will set national curricula and that national tests will be designed to enforce our current—could even be designed to ratify the current crisis we have.

My only question about national testing is this. Every week I read about the condition of our fourth graders, our eighth graders, how we compete with the international community. I do not find a shortage in this country of understanding the crisis we have in grades kindergarten through high school. We know a third of the students get there and can't read right. We know only four out of ten of the students in inner-city schools can't pass a basic exam. We know if we take all the schools and put them together, only 6 out of 10 can pass a basic exam. We don't need any more testing. We need some innovation. We need some change and reform like we are talking about. We know what is happening. We are losing, as we come to the new century.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator has 20 seconds remaining.

Mr. COVERDELL. I yield back my 20 seconds and dedicate my final minute to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. My colleague is very generous. I thank him. In rapid fire, I will try to respond.

The underlying bill really does no harm. As amended, this bill does a huge amount of harm, because it takes the National government out of the whole issue of education for our children. It takes us backward, away from visionaries like President Eisenhower, who said the strength of the Nation lies in its children. The National Government, if it truly cares about its children, should fill the gaps that are identified by local government. And that is what is done away with in the Gorton amendment.

Essentially, the Gorton amendment is saying to the people that education is not important on the national level. We know if we scratch the surface, many of our colleagues don't want a Department of Education. That is what this is about. This takes away 75 percent of the Department of Education's ability to at least in some way engage in the educational programs helping children in kindergarten through grade twelve. And to say that our children don't need any testing—you just ask the parents if they want testing. How can we talk about accountability without voluntarily testing?

So, in closing, I thank my friend for his generosity. I hope we will support this modest bill, to bring down the crime rate and lift up our children. It is paid for in the budget, and I look forward to a bipartisan vote.

I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I move to table the amendment of the Senator from California.

I think we are going to set the amendment aside for a stacked vote. I withdraw my motion and will make the motion at the appropriate time. We will be moving to debate on the Bingaman amendment.

Mrs. BOXER. Will the Senator yield?

Mr. COVERDELL. Yes.

Mrs. BOXER. I just want to guarantee that we will have a vote on a tabling motion or an up-or-down vote.

Mr. COVERDELL. We will.

Mrs. BOXER. I have the Senator's word, and I am pleased with that. Thank you.

UNANIMOUS CONSENT AGREEMENTS

Mr. COVERDELL. Mr. President, I ask unanimous consent that following the debate on the Bingaman amendment, it be in order for Senator COVERDELL to offer a first-degree amendment regarding reading excellence. I further ask unanimous consent that no amendments be in order to either amendment and, finally, that the vote occur on, or in relation to, the Coverdell amendment prior to the vote on, or in relation to, the Bingaman amendment.

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

Mr. COVERDELL. Mr. President, I ask unanimous consent that following the vote on, or in relation to, the Levin second-degree amendment, if the Levin second-degree amendment is defeated, the Senate proceed to the immediate consideration of the Levin first-degree amendment, as amended by the Ashcroft amendment, and the Levin first-degree amendment be agreed to and the motion to reconsider be laid upon the table.

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

AMENDMENTS NOS. 2298 AND 2307, EN BLOC

Mr. COVERDELL. Mr. President, I ask unanimous consent that it be in order at this time to offer two amendments en bloc, an amendment on behalf of Senator MCCAIN on multilingualism and an amendment on behalf of Senator DORGAN regarding safer schools.

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

Mr. COVERDELL. Mr. President, I ask unanimous consent that following the reporting of the amendments, the amendments be agreed to and the motions to reconsider be laid upon the table, en bloc, and that any statements relating to these amendments appear at the appropriate place in the RECORD.

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

The clerk will report the amendments.

The bill clerk read as follows:

The Senator from Georgia [Mr. COVERDELL] proposes amendments numbered 2298 and 2307.

The amendments are as follows:

AMENDMENT NO. 2298

(Purpose: To provide for a study of multilingualism in the United States)

At the appropriate place, insert the following:

SEC. ___. MULTILINGUALISM STUDY.

(a) FINDINGS.—Congress finds that even though all residents of the United States should be proficient in English, without regard to their country of birth, it is also of vital importance to the competitiveness of the United States that those residents be encouraged to learn other languages.

(b) RESIDENT OF THE UNITED STATES DEFINED.—In this section, the term "resident of the United States" means an individual who resides in the United States, other than an alien who is not lawfully present in the United States.

(c) STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States (referred to in this section as the "Comptroller General") shall conduct a study of multilingualism in the United States in accordance with this section.

(2) REQUIREMENTS.—

(A) IN GENERAL.—The study conducted under this section shall ascertain—

(i) the percentage of residents in the United States who are proficient in English and at least 1 other language;

(ii) the predominant language other than English in which residents referred to in clause (i) are proficient;

(iii) the percentage of the residents described in clause (i) who were born in a foreign country;

(iv) the percentage of the residents described in clause (i) who were born in the United States;

(v) the percentage of the residents described in clause (iv) who are second-generation residents of the United States; and

(vi) the percentage of the residents described in clause (iv) who are third-generation residents of the United States.

(B) AGE-SPECIFIC CATEGORIES.—The study under this section shall, with respect to the residents described in subparagraph (A)(i), determine the number of those residents in each of the following categories:

(i) Residents who have not attained the age of 12.

(ii) Residents have attained the age of 12, but have not attained the age of 18.

(iii) Residents who have attained the age of 18, but have not attained the age of 50.

(iv) Residents who have attained the age of 50.

(C) FEDERAL PROGRAMS.—In conducting the study under this section, the Comptroller General shall establish a list of each Federal

program that encourages multilingualism with respect to any category of residents described in subparagraph (B).

(D) COMPARISONS.—In conducting the study under this section, the Comptroller General shall compare the multilingual population described in subparagraph (A) with the multilingual populations of foreign countries—

(i) in the Western hemisphere; and

(ii) in Asia.

(d) REPORT.—Upon completion of the study under this section, the Comptroller General shall prepare, and submit to Congress, a report that contains the results of the study conducted under this section, and such findings and recommendations as the Comptroller General determines to be appropriate.

Mr. MCCAIN. Mr. President, I rise today to offer an amendment which would mandate a study of multilingualism in the United States. This amendment would direct the Comptroller General of the United States to identify, examine and analyze the number of individuals who are proficient in English, but are also proficient in one or more additional languages.

I believe that we can all agree that it is imperative for everyone in the United States to be fluent in English in order to succeed in today's society. This is why we need to continue encouraging all members of our society to be fluent in the English language. However, I believe it is equally important for us to encourage all members of our society to understand English—Plus one or more additional languages. Currently, I am working with members of the Hispanic task force in this effort to stress the importance of speaking English—Plus other languages. This study of multilingualism is a practical step in our efforts to encourage English—Plus the knowledge of many other languages.

As I have stated, English is clearly the common language in the United States and is an important aspect of our society and individual success. However, it is equally important that we encourage and support efforts by individuals to become proficient in additional languages and broaden their opportunities for success.

I wholeheartedly applaud people who have the capability to communicate in multiple languages. Not only do they posses valuable language skills, but their knowledge of various languages affords them a multitude of opportunities economically, socially, professionally and personally.

The ability to speak one or more languages, in addition to English, is a tremendous resource to the United States because it enhances our competitiveness in global markets by enabling improved communication and cross-cultural understanding while trading and conducting international business. In addition, multilingualism enhances our nation's diplomatic efforts and leadership role on the international front by fostering greater communication and understanding between nations and their people.

Foreign language skills also serve as a powerful tool for promoting greater cross-cultural understanding between the multitude of racial and ethnic groups in our country.

The data collected from the study required by this legislation would enable us to identify the linguistic strengths and weaknesses in our society. Based upon this study we would be able to develop innovate initiatives which would promote the importance of foreign language skills, while providing a basis for expanding our nation's linguistic abilities.

The information we gather from this study will be invaluable in many aspects of our society. It is important that we encourage and support everybody, no matter what their age, in learning one or more languages in addition to English, since the opportunities which exist for individuals who can master additional languages are endless.

AMENDMENT NO. 2307

(Purpose: To promote school safety)

At the end, add the following:

SEC. . SAFER SCHOOLS.

(a) SHORT TITLE.—This section may be cited as the "Safer Schools Act of 1998".

(b) AMENDMENT.—Section 14601 of the Gun-Free Schools Act of 1994 (20 U.S.C. 8921) is amended by adding at the end the following new subsection:

(g) "For the purposes of this section, a weapon that has been determined to have been brought to a school by a student shall be admissible as evidence in any internal school disciplinary proceeding (related to an expulsion under this section.".

The PRESIDING OFFICER. The amendments are agreed to.

The amendments (Nos. 2298 and 2307) were agreed to.

Mr. COVERDELL. Mr. President, I believe at this time the order of the day is to go to the Bingaman amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. I thank the Senator from Georgia.

Parliamentary inquiry. Is the amendment that I am proposing at the desk, or should I send it to the desk?

The PRESIDING OFFICER. If the Senator can send the amendment to the desk.

AMENDMENT NO. 2308

(Purpose: To provide for dropout prevention)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. REID, Mrs. FEINSTEIN, Mr. CHAFEE, and Mr. BRYAN, proposes an amendment numbered 2308.

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

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

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

Mr. BINGAMAN. Mr. President, this amendment is being offered on behalf of myself, Senator REID, Senator FEINSTEIN and Senator CHAFEE. What I would like to do is very briefly describe what the amendment is and then yield to my colleague from Nevada for his comments. Then I will come back and make further statements in behalf of the amendment.

The first obvious point is that there is a serious, pervasive dropout problem in our Nation's schools. I see this in my State every day. I am sure each Senator who has visited schools in his or her State sees the same problem. Over half a million students drop out of school each year before they complete high school, and they are joining a group of almost 4 million young adults who have neither graduated nor are getting a GED in lieu of graduation.

The second point is that dropout rates are disproportionately high among low-income and minority students. That is just a fact, which we will get into more in the discussion in the minutes ahead.

The third point is that the cost of this dropout crisis far exceeds the cost of preventing it. There may be some who suggest that my amendment, by proposing to spend as much as $150 million a year, is going to bust the budget. I suggest that we are spending more on the problem of unemployment, on welfare, on juvenile crime, on the incarceration of the 4 million undereducated young people than we are proposing in this amendment as a solution to the problem.

The fourth point is that there is no Federal funding targeted to help middle and high schools deal with this problem today.

The amendment would allow over 2,000 of the schools with the highest dropout rates in each State to compete for $50,000 restructuring grants. That is what we are talking about, very small amounts of money that would help these schools to begin the restructuring process to deal with the dropout problem.

The fifth point is that the amendment does not add a new Federal education program. Instead, it replaces an unfunded dropout demonstration program from the 1994 Improving America's Schools Act.

Sixth, this amendment would provide funding to every State. It would allow local schools to determine what dropout prevention method works best for them. We are not dictating the course or the steps each school should take, but we are trying to assist them in beginning to take the steps to deal with the problem.

Finally, reducing dropout rates needs to be a bipartisan national education goal. It was identified as such in 1989.

When President Bush met with all 50 Governors in Charlottesville, it was the second education goal we identified: At least 90 percent of our students would complete high school, would graduate. We have never had a serious effort to reach that goal. It is time we did. This amendment begins to move us in that direction.

Before I go on to any further discussion, I yield to my colleague, Senator REID, who has been a leader on this issue.

Mr. REID. Mr. President, it is my understanding, I say to my friend from New Mexico, that I have 5 minutes.

Mr. BINGAMAN. Yes, Mr. President, I yield 5 minutes to the Senator from Nevada.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. REID. Will the Chair inform me when I have 30 seconds left?

I ask unanimous consent that Senator BRYAN be added as a cosponsor.

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

Mr. REID. Mr. President, I underline and underscore every word said by my colleague from New Mexico. This is a serious problem. The little amount of money that we want to spend on this will save inordinate amounts of money in welfare costs, costs to our criminal justice system and in our education system. This amendment, in my opinion, is the most important aspect of the legislation with which we have dealt. If we are going to do something about education, we have to slow down and, if possible, stop the dropout rate in our schools.

High school dropouts: Mr. President, unemployment rates of high school dropouts are more than twice those of high school graduates. The probability of falling into poverty is three times higher for high school dropouts than for students who have finished high school.

The median personal income of high school graduates during prime earning years, 25 years to 54 years, is nearly twice that of high school dropouts. That figure is startling.

The future of high school dropouts: What is the future? They may have a job making a lot of money in lawn maintenance or working in a service station. The median personal income of college graduates is more than three times that of high school dropouts.

Among prisoners in the United States, 82 percent of the prisoners in the United States never finished high school. That should send a message to this body loud and clear.

The children of dropouts have a much greater chance of dropping out of school.

The demographics of the State of Nevada and many Western States are changing rapidly. In the State of Nevada, the Hispanic population is rising very rapidly, adding a great deal to the culture of the State of Nevada, which is named after Hispanics—Nevada, snow-cap; Las Vegas, the meadows.

The dropout rate among Hispanic students is 30 percent compared to an overall rate of 11 percent, about three times higher than any other group of people. The Hispanic unemployment rate is 11.3 percent compared to 7.3 percent for non-Hispanics.

In 1991, Mr. President, 49 percent of all persons living in Hispanic households received some type of assistance. This is much, much higher than any other group of people in the United States. This cries out for doing something about dropouts, when the dropout rate is 30 percent, three times higher than any other group.

According to the U.S. Census Bureau, Hispanic Americans will make up nearly 20 percent of the U.S. population by the year 2030. This bill is not directed toward Hispanics, but Hispanics will benefit significantly from this legislation.

Mr. President, we need to make these changes. I congratulate and applaud the leadership of the Senator from New Mexico.

Dropouts in high school are a problem we must address. We must do it soon. The aim of our legislation is to encourage the type of innovative thinking that is working in other places, adopt and use those programs that work well. Each school would receive a little bit of money, because we found it only takes a little bit to make a great deal of difference. I ask all my colleagues to join in supporting this most important amendment.

Mr. BINGAMAN. Mr. President, how much time remains on our side?

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from New Mexico has 7 minutes 39 seconds remaining.

Mr. BINGAMAN. Mr. President, I yield myself 5 minutes of that time and reserve the rest so that I can use the remainder to summarize after the opponents have spoken.

But let me just go into this a little more in depth. I appreciate the strong support of the Senator from Nevada. What this amendment tries to do is to begin to focus our attention as a nation on what I see as a very, very serious problem in our educational system. And that is the problem that many, many of our students are not ever completing their high school education, in some cases are not completing their middle school education. These students are leaving the schools in large numbers, and we as a society are having to make accommodation to the fact that we have large numbers of young uneducated people coming into the work force.

So what we are trying to do is to begin the process of focusing attention on it, begin the process of reversing this trend. Let me show a few charts here, Mr. President, just to make the points.

This first chart is called "Event Dropout Rates for Grades 10 through 12, Ages 15 through 24, By Race and Ethnicity." And this is the period 1972 through October of 1995.

You can see on this chart that for the white non-Hispanic students, although they have had the lowest annual dropout rate of any group, that dropout rate has been increasing, not decreasing, in recent years. So this is a problem that affects everybody.

The non-Hispanic black students—that is this green line—it has been coming down somewhat. The general trend is down. But it also is quite high and is not near where it should be.

Of course, the red line—which is the line that represents the Hispanic students in our school system—it is by far the highest of these lines and shows the seriousness of the problem. Dropout rates have not declined in recent years. This is not a problem that is fixing itself; this is a problem that needs additional attention. Dropout rates are particularly adverse among the Hispanic population.

Let me show another chart here, Mr. President. You can see this is called "The Status Dropout Rate." That indicates, rather than an annual rate, this is how many of our students have left school essentially before they graduate. You can see that this red line—representing the Hispanic students in our school system—it is consistently over 30 percent. We essentially are losing a third of the Hispanic students in our school system before they complete high school under the present circumstance.

There was recently a report done called the "Hispanic Dropout Project Report, No More Excuses." That report makes the case very convincingly that new strategies are needed, new efforts are needed, to deal with this problem.

Let me show one other chart here, just because I know every Senator here is concerned about his or her State in particular. This is a listing of the dropout counts and annual rates for States by State, starting with the State with the highest dropout rate. Unfortunately—and this, I am sure, is one of the reasons that the Senator from Nevada is so concerned about this issue—Nevada, according to this, had the highest dropout rate in 1993–94. Next was Georgia, the manager's State, that had an 8.7 percent dropout rate. And third was New Mexico, my own State, with an 8 percent dropout rate. That means, every year, 8 percent of the students in the school system drop out.

So over the period of 4 years of high school and even some part of middle school, we lose more than 30 percent in many of our schools.

These are crucial issues in my State. I run into this problem as I go around my State talking to parents, talking to

school administrators, talking to teachers, talking to the students themselves.

It is time for the country to act. It is not enough to just say, "This can get handled by the larger issues. We don't need to make special efforts with regard to this. It will take care of itself. As the general educational system improves, maybe this problem will go away too." That is not an adequate answer. We need to do better than that. The simple truth is that too many of our schools are not meeting the academic, the vocational, or the other needs of students. Students are leaving those schools. They are bored with the watered down, repetitive courses, and in many cases they are alienated by the very size of the schools.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. BINGAMAN. Mr. President, as I indicated, I will reserve the remainder of my time until after the opponents have spoken.

Mr. COVERDELL. Mr. President, I yield as much of our time as is necessary to the distinguished Senator from Tennessee who rises in opposition to the Bingaman amendment.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, please notify me at 13 minutes.

Mr. President, I rise in opposition to the amendment by the Senator from New Mexico. Senator BINGAMAN has offered an amendment which would create a new program intended to lower dropout rates in our Nation's schools. It does replace a program that was in existence up until 1995. That program is no longer funded, nor was funding requested by the President of the United States back in 1995, 1996, 1997, nor was it requested by the Department of Education, as I understand. It is a new program, though, and I will come back to that.

Senator BINGAMAN's amendment would amend title V of the Elementary and Secondary Education Act of 1965 to authorize this new entity, and up to $125 million in that first year, with the objective which I obviously share; that is, reducing dropout rates.

Secondly, the amendment, as I mentioned, authorizes $125 million for grants in that first year and authorizes an additional $25 million for a national clearinghouse on dropout data.

In addition, it would create an office in the Department of Education, it would create a new office of dropout prevention, and would also allow for the creation of a dropout czar at the Department of Education to focus attention on this issue.

I say all of that because it is a new program not currently funded. It is a Federal program. And that is important, because so much of the discussion that we have undertaken over the last 3 to 4 days and that I, as chairman of the Senate Budget Committee Task Force on Education, have reviewed over the last 6 months is that if there is one thing we have too many Federal programs with too much overlap, and it is too confusing and too burdensome. I think we have made great progress in the last 2 days on this bill and in simplifying and streamlining with some of the amendments as well.

The second point I want to come back to is that we do have a problem today in dropout rates, but we have made huge progress, huge progress, over the last 30 years. I have had the opportunity to go back and look at the statistics and the data in our task force. We need to do a lot more. I encourage all of us, and maybe we can take it back to the Labor Committee where we can really analyze this data and see what the trends mean.

But basically there are two points I want to make. I think we need fewer programs, not just another program, to address problems; and, No. 2, real progress has been made in lowering the dropout rate among all subgroups in this country, some more than others.

The 1997 Digest of Education Statistics, produced by the National Center for Education Statistics on this very issue, has a chart. Contrary to what Senator BINGAMAN has said, let me go back and look at the entire 36-year period, because I think it puts it in a much better perspective for us.

From 1960 to 1996, the dropout rate has fallen dramatically, from 27.2 percent down to 11 percent. The dropout rate over this period of time has fallen by much more than a half—almost by two-thirds. The current dropout rate is 11.1 percent. In fact, if we look at the data from the last several years, we have not improved in science in the last 30 years and we have not improved in math and we have not improved in reading. The one area we have improved in education in this country is lowering that dropout rate. I don't want to minimize the problem because I agree it is a problem, but we cut it not just by a quarter, not just by a half, but almost two-thirds, down to 11.1 percent.

In the same 1997 Digest, we learn from 1972 to 1996, look at women of Hispanic origin, the rate has dropped from 34.9 to 28.3—still too high. The intent of the amendment is to address the 28.3 percent, but it is the wrong approach, another Federal program. If we look at black men, the rate has dropped from 30.6 percent in 1967 down to 13 percent in 1996. That is dramatic. Not by just half, but two-thirds. Currently, it is 13.6 percent. Women of all races, the rate has dropped from 26.7 percent in 1960 to 10.9 percent in 1996. I wish we could see that much progress made in improvement in terms of science, math, and reading where we haven't seen any progress whatever. For men of all races, the rate has dropped from 27.8 percent in 1960 down to 11.4 percent in 1996. So we have made huge progress over the last 30 years.

Senator BINGAMAN and I are both members of the Senate Labor and Human Resources Committee, and much of the data I refer to was reviewed in the Senate Budget Committee task force. I do hope we have the opportunity, regardless of the outcome of this amendment, to go back and ask why the Hispanic dropout rate has gotten better but not as good as we would like and why for black men it has gotten remarkably better. I do not fully understand that and would like to find out in committee through hearings to see if we can address and if we can come up with an overall strategy.

I suggest we look at creative ways to assist all of our students. We approached that to some extent yesterday through the block grant, the Gorton-Frist amendent yesterday, which really allows States and localities to identify problems like this which may not be in every locality, which are not in every locality, every school district, but allow States and localities to identify for themselves what that problem would be, and give them, through this block grant approach, the flexibility to decide how, for themselves, based on their priorities, based on their needs, they can address that specific problem and spend those education dollars that we provide. Clearly, our current system of complicated overlapping programs is not the answer, and therefore I hesitate and therefore oppose having another new Federal program in this regard.

I have spoken a number of times about findings of the task force itself. It really comes down to having a fragmented Federal education effort; it ends up being uncoordinated. The General Accounting Office in our hearings presented testimony to the task force and noted how the Federal Government does target certain populations with a variety of Federal education programs. Again, the block grant approach through the Gorton-Frist amendment still allows the existence of programs but you give individual school districts or States the opportunity to use that money as they see fit or to keep those categorical programs.

The General Accounting Office, in this chart I will show briefly on the floor, illustrates the problem that we have today by just having another program. This chart shows target groups served by multiple programs and agencies. In the middle is the target group which is aimed by the Federal Government called "at-risk and delinquent youth." This is the area that the dropout rate potential student exists. Look what we have today. Department of Agriculture has programs, Department of Education has programs, Department of Health and Human Services

has programs, Department of the Interior has programs, and now we want to add yet another program.

In fact, for this "at-risk youth" target group, we have 59 programs at the Department of Health and Human Services, 7 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, and 8 by various other agencies. We have 127 Federal programs right now that are directed to at-risk and delinquent youth. We take it from 127 to 128. I think we can't kid ourselves that by adding another new program to address this fundamental problem, that that will be the answer.

The task force also held a hearing on January 28 called "Federal Education Funding: The State and Local Perspective." It was made clear at the hearing that additional Federal programs, which have numerous regulations and are costly to administer, is just simply not the best approach. In terms of the Federal burden, the commissioner of education for the State of Florida told the task force, using an example, that it takes 297 State employees to oversee and administer $1 billion in Federal funds; in contrast, only 374 employees oversee approximately $7 billion in State funds. The point being it takes almost six times as many people to administer a Federal dollar as a State dollar.

For some reason, and it has been reflected on the floor over the last 2 days, we had a problematic reluctance to ask the question, "What works, what doesn't work," and let us promote what works. I have been dismayed through the whole process of the last several months looking at education, looking at the sort of chart that you just saw where we have 127 programs already designed to look at that at-risk youth. Is 128 going to make a difference? I think not.

In summary, if you step away from it, we have a too-complicated Federal effort today. We don't need to have one more program in this already incoherent structure. No. 2, we have data to show that we have made, since 1960, dramatic progress, improvements in the dropout rates. Still, we have a problem. Still we need to address it. I argue that the best place to address that instead of right now on the floor where very few people have this data is in a committee, where you can debate it, look at the data, analyze it, and say why is one group doing better and one is not.

Third, the Senate did agree yesterday to the Gorton-Frist block grant approach which gives the opportunity for a State or a locality to obtain the same amount of funds and use those funds to address the specific problem—whether it is the dropout rate or whether it is technology or whether it is more books, they get to choose.

For these three reasons, I urge my colleagues to oppose and defeat Senator BINGAMAN's amendment. I look forward to working with him in the Labor Committee to address the issue that he has brought to the floor.

Mrs. FEINSTEIN. Mr. President, I am pleased to support Senators BINGAMAN and REID today and I thank them for including my suggestions to be more explicit in how school districts use funds authorized for dropout prevention.

At my suggestion, Senators BINGAMAN and REID added several specific strategies to the activities authorized by their original amendment. Under the original Bingaman-Reid amendment, funds would be authorized as grants to states and states would in turn award grants to public middle and secondary schools for activities like professional development and planning and research.

Under the Feinstein amendment, schools could also use grants for remedial education; reducing pupil-teacher ratios; efforts to help students meet achievement standards, such as tutoring or enrichment programs; and counseling for at-risk students.

I believe that the additions I suggested provide some concrete guidance to the states and represent specific, targeted strategies aimed at the underlying causes of the dropout problem.

Students at risk of dropping out need extra help and attention, such as smaller classes, counseling, and after-school academic programs and summer school. They require more than the normal school program, but schools are strapped as it is and this new "injection" of funding can help schools provide these extra services.

For example, limited English speaking proficiency is a major risk factor for dropping out school, especially for Latino children, according to the General Accounting Office in their July 1994 report. For Latino students born in the U.S., the dropout rate is 18 percent. For newly immigrated Latino students, the dropout rate is 44 percent. For African-American students the dropout rate is 12 percent and for Anglo students it is 9 percent, according to the National Center for Education Statistics. Nearly one in five Latinos between ages 16 and 24 leaves school without a diploma [Hispanic Dropout Project, U.S. Department of Education, February 1998]. Whatever the numbers, in my view, one percent is too high for any group. Everyone needs a solid education.

Other risk factors for dropping out are poverty, pregnancy, motherhood, disruptive behavior, academic failure, and lack of skills, said the General Accounting Office and the National Center for Education Statistics.

Dropping out of school can begin a downward spiral to delinquency, unemployment, disillusionment, drug and alcohol abuse and crime. Dropping out forecloses opportunities for a lifetime—having children who are poor and uneducated; lack of job skills; civic breakdown.

Public schools need help and the added resources of this amendment in an effort to bring concentrated attention to at-risk students and to prevent the downward plunge that can begin when children drop out of school. We should not give up on these children but give them extra help to stay in school. This amendment can provide some help and I urge the Senate to adopt it.

Mr. COVERDELL. How much time is remaining on both sides?

The PRESIDING OFFICER. The proponents have 3 minutes 27 seconds remaining and the opponents have 2 minutes 40 seconds remaining.

Mr. BINGAMAN. I would like to have the opportunity to summarize my arguments at the end. If the opponents would go ahead and complete their opposition, I prefer that.

Mr. COVERDELL. I think this would be the appropriate time for you to do that and we will yield back and proceed.

Mr. BINGAMAN. You are planning to yield back your time?

Mr. COVERDELL. Is there anything further from the Senator from Tennessee?

Mr. FRIST. I reserve 30 seconds, but otherwise I have nothing further.

Mr. BINGAMAN. Mr. President, let me first just respond to a couple of points that were made by the Senator from Tennessee. He says we made huge progress. That is not what the people in my State believe. That is not what the school administrators and students and parents in my State believe.

The Department of Education report that just came out this year indicates their conclusion is that there has been no overall progress in lowering dropout rates during the last 10 years. That is the decade during which we were supposed to be moving up to 90 percent of all of our students completing high school before they left school.

In 1989, when the Governors and President Bush met in Charlottesville, the goal was set at 90 percent. It was 86 percent then. It is today 86 percent, according to the National Education Goals Panel. In the last 10 years there has been no progress, in spite of the fact that we have had this national goal.

Another part of the goal, in addition to getting 90 percent of our students to complete high school, was to eliminate the disparity in the different groups in our society so that you didn't have such a large dropout problem among one group—in this case, the Hispanic students—and such a disparity between

the problem with that group and other groups. Clearly, those disparities have not been eliminated. The problem is very much with us. It needs attention, and it is every bit as serious now as it was in 1989 when we established the national goal of getting to 90 percent.

The Senator from Tennessee says we have too many programs already. I point out that my friend and colleague from Georgia is getting ready to offer another proposal here. We seem to have a double standard. When the proposed new programs are brought up on that side of the aisle, they are acceptable; when they are brought up on our side of the aisle, there are too many programs. The reality is that there are no programs—there is no Federal money focused on dealing with this problem of dropout prevention. That is one reason we have never dealt with it. It is not on the national agenda, it is not on the agenda of the Department of Education, and, frankly, it is not on the agenda of most of our States and school districts, and it needs to be.

Mr. President, if we are going to make progress on this, at some stage we are going to have to quit coming up with excuses. The title of a report that came out this year was "No More Excuses." To my mind, that sums it up well. Let's get on with dealing with this problem.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COVERDELL. Mr. President, I yield back the opponent's time. I believe that would move us to the next order of business. This amendment would be set aside for the stacked votes later this afternoon.

The PRESIDING OFFICER. The Senator from Georgia is correct. The amendment is set aside.

AMENDMENT NO. 2309

(Purpose: To provide for reading excellence)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL] proposes an amendment numbered 2309.

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

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

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

Mr. COVERDELL. Mr. President, as we have noted throughout this debate, we have a lot of Americans who are exceedingly deficient in reading. When more than 40 million Americans cannot read a phone book, a menu, or the directions on a medicine bottle, and only 4 out of 10 third graders can read at grade level or above, new solutions are needed—I might add, not programs, but solutions.

This amendment, based on Senate bill 1596, the Coverdell-Gorton Reading Excellence Act, will help children learn to read. The reading excellence amendment would focus on training teachers to teach reading. Fewer than 10 percent of our teachers have received formal instruction on how to teach reading.

My amendment would also send 95 percent of the funds associated with it directly to the classroom, which I know the Chair would applaud, as he has been the author of the money-to-the-classroom legislation. It requires that funds be spent on research-based reading instruction, methods with proven track records. It provides extra tutorial assistance for at-risk children, as well as literacy assistance for parents, so they can be their children's first and most important teacher.

It is already funded. That is unique here. Two hundred and ten million dollars were set aside in the fiscal year 1998 Labor-HHS appropriations bill specifically for literacy work. However, this is contingent on the passage of an authorization bill by July 1, 1998. The House has already acted and passed a Reading Excellence Act by voice vote on November 8, 1997.

President Clinton endorsed the Reading Excellence Act in his radio address February 28, 1998, and has called on the Senate to act. This amendment is a response to that call. I will read the actual statement on behalf of the President of the United States:

But we need Congress' help to meet this goal.

The goal is that we are on track to give extra reading help to 3 million children at risk of falling behind.

He says:

But we need Congress' help to meet this goal. This past November, the House of Representatives voted with bipartisan support to promote literacy efforts in the home, the school, the community. Legislation with these goals is now awaiting action in the Senate——

Not anymore—

which means $210 million in targeted assistance is now on hold in Washington, not at work in our communities.

We are getting ready to end that.

So today I call on the Senate to pass this legislation without delay. We need it. Our children need it.

That was the address of the President of the United States to the Nation on February 28, 1998. This is the answer to the call. The research is overwhelming. Most recently, the National Research Council, at the request of the Department of Education, released a report calling for a direct, systemic approach to teaching so that children can learn to connect the letters of words to the sounds they represent. Our amendment does this by requiring that proven scientific methods be used, ensuring that 95 percent of the funds reach the classroom, and providing teachers with the skills to help our children.

We should seize this opportunity, as the President requested, to put our children first, which, I might add, is the genesis of this whole underlying proposal: Children first, system second. We have been fighting this system a long time, and we have bad numbers. It is time that we put the kids first. This amendment is in complete sync with the nature of the underlying bill and does just that. We know you can't have a free population, Mr. President, if it is uneducated. It denies them the rights and privileges of American citizenship. If you can't read a phone book or a medicine bottle, you can't get a job. If you can't get a job, you can't take care of yourself, you lose your dignity, you are robbed of everything that America is all about.

Mr. President, on April 17, 1998, I received a letter that was signed by Jim Barksdale, president and CEO of Netscape Communications; Carol Bartz, chairman of Autodesk; John Chambers, president of Cisco Systems; Eric Benhamou, president of 3COM; Floyd Kramme, a partner at Kleiner, Perkins, Caufield and Byers; and John Young, retired president and CEO of Hewlett-Packard.

It says a lot of good things about what we are trying to do here today, but the last paragraph is particularly poignant:

In our respective businesses, we are creating thousands of jobs that our Nation's education system is not preparing youths to fill. The 21st century economy will depend on one resource more than any other—qualified people—and dominance of the world economy in the next century will shift to the nation that best educates its population. We are grateful that the Senate Republican leadership understands the seriousness of this challenge.

Mr. President, I can't think of a more fitting concluding amendment to the debate than the Reading Excellence Act. People have to be functional in our society. This amendment puts kids first. This amendment helps American teachers to do this job. This amendment has been passed by the House. This amendment has been called on for enactment by the President of the United States and, through this amendment, the leadership of the Senate. I hope that our colleagues on both sides of the aisle in a continuing bipartisan spirit at the appropriate time will vote in favor of this amendment.

Mr. President, I reserve the remainder of my time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, for those who may be in opposition, we have some time, as I understand it.

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. KENNEDY. Mr. President, I am not sure that I qualify for being in opposition because I will urge our colleagues to support this amendment. I

want to commend the Senator for giving some focus and attention on the floor of the Senate to the issues of literacy and literacy training.

On next Tuesday in our Human Resources Committee, Senator JEFFORDS will be having a hearing on our literacy legislation. It is his hope and certainly all of ours in the committee that we will pass out a strong, bipartisan proposal that will incorporate a number of the ideas that are included in the Coverdell amendment and a number of the ideas that have been included in President Clinton's literacy proposal of a little over a year ago. As we all know, now that the President has asked the colleges of this country in the work-study program for those young people to devote time for literacy training, I take pride that our Massachusetts colleges are No. 2, with California being No. 1, in the number of colleges where the young people who are benefiting from the work-study program are actually involved in tutorial work. We have tried to get every one of the colleges in our State—there are 126—to be involved in that tutorial work.

I think, the fact that this afternoon we are focusing on the issue of literacy, hopefully we will pave the way for a bipartisan effort and for an outcome that will result in our ability to utilize the $250 million which have been designated for literacy training as a part of the budget of last year and was worked out in a bipartisan way. We may have had differences on the number of the education issues that we have been debating in the past days, but I certainly hope that we can in these next very, very few weeks have legislation out here that will have a responsible literacy initiative.

Mr. President, we know that the Academy of Sciences has recommended a modality for the development of literacy programs. If we take the Coverdell proposal, we will find it quite prescriptive in relationship to the range of initiatives that have been recommended by the Academy of Sciences that provide greater flexibility. How we eventually are going to come out on that issue remains to be seen. But the strong emphasis on the teachers that they be well trained to teach is something that we all would have common agreement on. The idea of the role of the tutors under the President's program is an important role. I think under the Coverdell proposal we find that feature of it, hopefully, would be strengthened.

I think there is probably some difference in this body about the administration of the program. Under the Coverdell proposal, you set up a whole new bureaucracy effectively with your partnership program rather than working with the State programs. It is quite prescriptive in the naming of a number of members that will serve on various boards. You have a number of States now that are doing some very, very important work. This would be a circumstance where I hope that the program would work through the State agencies that are in the Coverdell proposal.

I also believe that you have particular features in here where you have the devoting of a good deal of money for assistance grants for tutors. I think most of those involved in literacy training feel that having a school-based system is a better use and a more effective use of the funds.

Mr. President, I hope that at the time we address this issue Members will vote in favor of the Coverdell amendment. Then we will have an opportunity to vote after in terms of the Bingaman and Reid proposal. I hope that we will vote in favor of that as well.

I think the President's proposal and ones which will be advanced in our Human Resources Committee will give greater emphasis to volunteers and to tutors than would necessarily be the case in the Coverdell proposal.

We have under the leadership of our colleague and friend, Senator JEFFORDS, the Everyone Wins Program, which is a reading program which a number of our colleagues on both sides of the aisle have been involved in at the Brent School on the Hill. We have good attendance from a number of our Members here where they go over and read each week to students. I think the kind of flexibility provided in the President's program as well as the kind of support for a number of school-based systems has some additional credibility. I hope that we will support it.

I commend the Senator for giving focus and attention. I want to pledge to the Senator from Georgia, as well as to our other colleagues, that we will certainly work every way that we possibly can, those of us on the Education and Human Resources Committee, to work under the leadership of Senator JEFFORDS who has really been a strong, strong leader on the issues of literacy long before many others in this body, and hopefully we will have a chance to all be together and join in something that can pass and be successful and really move us towards a country that has a real commitment towards literacy.

It is interesting that, if you go back into the history of our country, in the early days of this Nation at the time of the birth of the Republic we had a much higher rate of literacy than we have today. That is rather surprising to many, many people. The reason was because of the reading of the Bible, because we had church-related efforts for literacy in every community across the country in order that children were going to be able to read the Bible. We had much higher degrees of literacy at other times in our history than we have at the present time. That is one of the areas where we have slipped. I think we need to call for focus, attention, energy, and I think some resources to really galvanize the sense of voluntarism, which I believe is out there, in an effective way to really make a dramatic impact on reducing illiteracy in the country.

I hope our colleagues will support that amendment. I commend him for bringing it. I pledge that we will try to work to find ways to get a meaningful program.

Mr. President, I reserve the remainder of my time.

Mr. COVERDELL. Mr. President, How much time remains on both sides?

The PRESIDING OFFICER. The Senator from Georgia controls 6 minutes 59 seconds.

Mr. COVERDELL. And they have?

The PRESIDING OFFICER. The opponents have 7 minutes 8 seconds remaining.

Mr. COVERDELL. Mr. President, I am prepared to yield back here in just a minute so that we might proceed to a unanimous consent request to clarify for the Senate where we might head from here.

I thank the Senator from Massachusetts for his remarks. As he has noted, there are some differences remaining, but I pledge to work with the Senator as we move forward on this amendment. There is still the conference. Maybe there are other differences that we might deal with even at that time. But I do appreciate the Senator's words in support of the amendment, and I am glad we are in a situation here where we can, by and large, respond to the President. I think we would both agree at least on this point that there is nothing more important or no more important skill than American citizens having the capacity to read. Again, I appreciate very much the genuine remarks of the Senator from Massachusetts.

Mr. President, I am prepared to yield back the time on our side so that I might proceed to a unanimous consent request if that is agreeable.

Mr. KENNEDY. Mr. President, I will just take one moment. I hope we can move forward. We may have a number of differences—probably will—in the conference, but this is an area where we really ought to try to get the best ideas that all of our Members have and then move it forward.

I look forward to working with the Senator from Georgia on that. I know I speak for all of the Members on our side on the Labor and Human Resources Committee. No matter how the underlying legislation comes out, I will look forward to working with the Senator from Georgia and others to make sure that we are going to get an effective bill. I am prepared to yield back the remaining time that I have.

Mr. COVERDELL. I yield back the time we have.

The PRESIDING OFFICER. All time has been yielded.

Mr. COVERDELL. We have now debated all outstanding amendments. I know that may be hard to believe by anybody listening. I ask unanimous consent that this next voting sequence occur beginning at 2:15, with no additional amendments in order to the sequenced amendments and with 2 minutes of debate between each vote for explanation. I further ask that at the conclusion of the amendment debate Senator BYRD be recognized for up to 30 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. COVERDELL. Mr. President, the voting series will be as follows: the Levin amendment regarding vocational education, the Boxer amendment regarding after-school programs, the Coverdell amendment regarding reading and excellence we have just concluded, and the Bingaman amendment regarding dropout prevention. It is my hope that following the voting series the Senate could quickly move to third reading and a final vote on the Coverdell A+ education bill. I thank all of my colleagues for their continued cooperation and support.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. 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. BYRD. Mr. President, I intend to vote for this bill. Some amendments have been adopted, however, with which I do not agree, and I would prefer that they had not been adopted. But that was the Senate's will. Even so, I think this is a new approach and it is entitled to be tested. So I am going to support this legislation for that reason.

Mr. President, the Bible tells us that Solomon prayed for wisdom and knowledge. He did not pray for riches. He did not pray for honor. He did not pray for the life of his enemies. He asked the Creator for knowledge and wisdom, and perhaps we in the Senate should do the same.

Mr. President, I am very concerned by our Nation's failure to produce better students despite the billions of Federal dollars appropriated every year for various programs intended to aid and improve education. To put it simply, the sums of money invested in our Nation's education system continue to grow each year and, yet, the quality of our Nation's students does not keep pace.

Several Senators have championed efforts to improve the dilapidated state of our Nation's school buildings, and I commend them for their leadership. According to the General Accounting Office (GAO), over fourteen million students attend schools in need of major renovations, and I am concerned by this figure. Then, why, my colleagues may ask, have I chosen to vote against an initiative to use Federal funds for construction of our Nation's school buildings? It is not because I do not recognize the benefits or the need for better school facilities—I certainly do. The GAO has estimated that the total bill for addressing this problem nationally tops $100 billion. However, I have reservations about the administration's approach to school repair and construction, which may be more appropriate for better-heeled school districts than are to be found in West Virginia and other rural States. Many poor districts do not have the ability to repay any loan, even an interest-free loan.

We are right to be concerned about dilapidated school buildings in this Nation. However, Mr. President, I believe that before the Federal Government embarks upon the new mission of providing massive amounts—and they will be massive amounts—of scarce Federal dollars for school construction, we should just step back and take a fresh look at why our students are not performing well scholastically. Is it due to aging school buildings? No. Reasons much more fundamental than aging school buildings underlie the poor academic performance by American students. It is these problems which must be addressed.

Senators stand on this Floor and we argue about the benefits of tax credits for education, we argue about funds for aging schools, we argue about funds for private schools versus funds for public schools. Yet, I tell you that I believe we are all just talking past each other and past the problem. The problem is rather clear. It has two major components. The problem with education in America has, as its root, (1) the quality of our teachers, and (2) the quality of what they are teaching.

We have many good teachers and many of us owe more than we can ever pay to our good teachers. I had dedicated teachers when I was a child. They didn't get paid much back in those days. We came through the Great Depression. But they were dedicated. They loved the children that they taught and they inspired us to excel. And a good teacher can do that, can inspire his or her students to excel, to try harder, to work harder, and strive to be at the head of the class.

According to the Third International Math and Science Study, released on February 24 of this year, "U.S. 12th graders outperformed only two (Cyprus and South Africa) of the 21 participating countries in math and science." This is deplorable, absolutely deplorable.

Why is it that from 1993 to 1998, education spending has increased by 25 percent, and at the same time, results from the Third International Mathematics and Science Study (TIMSS) rank U.S. high school seniors among the worst participants in the areas of math and science? Why is that? Why is it that in all three content areas of advanced mathematics, U.S. advanced mathematics students' performance was among the lowest of the twenty-one participating nations? It is not because of lack of money.

James A. Garfield, one of the Presidents, said with regard to the value of a true teacher: "Give me a log hut, with only a simple bench, Mark Hopkins on one end and I on the other, and you may have all the buildings, apparatus and libraries without him." He wasn't talking about massive buildings, impressive halls and corridors. So why is it? Why is it that in all three content areas, as I say, of advanced math, U.S. advanced—the best—math students' performance was among the lowest of the 21 participating nations? These are supposed to be our Nation's stellar students, our Nation's best students. This is not to say that all our students fall short. We have some excellent students. We have some good schools.

I am 100 percent for education. In all my life I have endeavored to press to improve myself. I wanted to start at the beginning, start with myself, improve myself. And I think I have—my colleagues know that. I also wanted to help others. So, in 1969, almost 30 years ago, I started a program in West Virginia to reward the high school valedictorians. And I started a program that is referred to as the Robert C. Byrd Scholastic Recognition Fund. When I began it, I began it with money out of my own pocket. In the beginning, a $25 savings bond was presented to each high school valedictorian in the State of West Virginia. That was in 1969. After a while, I established a trust fund for purchasing the savings bonds, which, in recent years, have been $50 bonds. I wanted to reward students—not the athletes, they get their rewards—but the students who work hard to excel in reading and in mathematics and algebra and geometry and music and so on, encourage those students to excel and to recognize them for excellence. As I say, we recognize the great athletes. We don't recognize the best spellers. Often I hear my colleagues talk about their State's No. 1 standing in football teams and so on. The question that occurs to me is how well can they spell? How well can they add and subtract and multiply and divide? How well can they read? That is what we need to reward—the children who are in the libraries and in the laboratories and who are working hard to improve themselves, to get an education.

So I am 100 percent for education but I want to have some confidence, more

than I presently have, that my vote to spend the hard-earned dollars of taxpayers will produce a return to merit that investment. I have been voting for Federal aid to education for decades—not just years, for decades—since 1965, to be exact. That was the year in which the Elementary and Secondary Education Act was passed as well as the Higher Education Act. I have been supporting those acts.

But, we still seem to be losing the battle against mediocrity. I do not want to vote against spending for education. But, Mr. President, when do we admit that we are doing poorly, and try something new? It is glaringly apparent from the results of the Third International Mathematics and Science Study (TIMSS) and other similar studies that increased education funding does not necessarily translate—does not necessarily translate—into higher student achievement levels. An even more recent study, conducted by the Fordham Foundation, a private organization committed to quality-based reform of elementary and secondary education, indicates the low quality of state standards in math and science. In mathematics, the Nation flunks, with only three States out of 50 receiving a grade of an "A", and just nine others a grade of "B". In science, the United States is just mediocre, if we can call it that, with nine States failing and seven earning "D's".

The Thomas B. Fordham Foundation found that our schools are also doing a pretty dismal job of teaching history and geography. I quote from the foreword of the report on history: ". . . the vast majority of young Americans are attending school in states that do not consider the study of history to be especially important."

Now think of that.

". . . the vast majority of young Americans are attending schools in states that do not consider the study of history to be especially important."

Napoleon said: "Let my son often read and reflect on history; this is the only true philosophy." That was Napoleon.

"No doubt some children are learning lots of solid history from excellent teachers in fine schools. Their good fortune, however, appears to be serendipitous. State standards rarely constitute a ceiling on what can be taught and learned. But it's not unreasonable to view them as the floor below which no child or school should fall . . . when it comes to history, most states have placed that floor where the sub-basement ought to be . . . in only a few instances is history itself the focus of the state academic standards that pertain to it. In most jurisdictions, history remains mired in a curricular swamp called 'social studies,' . . . "

Social studies is all right. I don't have any quarrel with social studies, but let's also have history. Let's don't substitute social studies for history. There is no substitute for history.

History, of all things, is not thought to be important enough in many of our states to be taught as a separate subject, and that is most unfortunate.

Mr. President, merely continuing along this same path of proliferating education programs and investing more and more Federal dollars into our Nation's education system will not solve the problem of improving the quality of our Nation's students.

I congratulate our colleagues who work diligently on their committees to bring bills to the floor and manage the bills, who are highly dedicated to serving the students of the Nation and to improving the schools of the Nation and to getting better teachers. I congratulate my colleagues for their efforts. They, too, must become discouraged.

On a fundamental level, however, there is something askew with the way we are approaching education in this Nation.

I started out in a little two-room schoolhouse along about 1923, when we did not have hand calculators. Lord, have mercy—calculators? We did not have them. We did not have computers or other high technology. We did not have much money for supplies, just the bare essentials. We got by with spring water. We had only one bucket in the school room. A two-room school; two buckets in the school. I was glad when the teacher chose me from time to time to go with another lad across the hill to the spring to bring back the bucket of water. We all drank out of the same bucket and out of the same dipper.

We didn't have any indoor plumbing. We had an outhouse—a couple of them—and we didn't have electricity. When the storms came, we had to light a candle or a kerosene lamp. So I do know something about so-called "difficult" conditions. I am one of those children who started out with the bottom two or three rungs of the ladder gone; they were missing.

In those days, mathematics was about rules, memorized procedures, memorized multiplication tables and other methodical tables. Science was stern stuff. History was about dates and heroes. That is where many of us who went to school in the mountains and hollows of West Virginia learned about our heroes, the people we wanted to be like.

There is where we learned about Nathanael Greene, one of Washington's top generals, perhaps his top one. Francis Marion, the Swamp Fox; Daniel Morgan; Nathan Hale, who died on September 22, 1776, because he had been asked by George Washington to go behind the British lines and to draw pictures of the breastworks and other military excavations, and so on. Hale was discovered the night before he was about to return. He had these drawings in his pockets. The next morning, he was executed.

He was asked if he had anything he would like to say. He had already asked for a Bible and a chaplain and had been denied both of those. He asked if he had any statement. He said, "I only regret that I have but one life to lose for my country."

So there in our history books is where we children first learned about American heroes, our heroes.

History was about dates and heroes. And with these basics, the United States became a mighty industrial power, a leader in medicine, and a winner of world wars. But, somewhere along the line, we seem to have gotten off the track. Today, our students have algebra textbooks that include discussions of chili recipes and hot pepper varieties. I made a speech on this floor a year or so ago about this and brought the particular so-called algebra book with me. And these textbooks do not even begin to define an algebraic expression until page 107—107 in this particular book, so it is no wonder that our students do not fare better on international tests such as the TIMSS!

On Friday, March 20, I noted an article on the front page of the Washington Post, which reported a new trend among teachers to teach without the benefit of textbooks. The article discussed how teachers are increasingly relying on the Internet or on materials that they prepare themselves, and spurning the traditional student textbook. Now, what is the reason for this phenomenon? I quote from the Post piece, "Scientific knowledge is expanding so rapidly that many textbooks are outdated only a few years after they are published. Recent political disputes"—get this; this is the Washington Post talking—"Recent political disputes over textbook content have made publishers wary of offending any interest group, and the result is that the books have become bland and shallow, some teachers complain. . . . Some teachers even cite a decline in children's reading skills as a rationale for abandoning the tomes."

Mr. President, imagine that. Our kids can't read well enough to effectively digest a textbook. And furthermore, textbooks have become such worthless amalgams of touchy-feely, politically correct twaddle, that many teachers are casting them aside in favor of doing the extra work to prepare material themselves.

Mr. President, if we ever hope to improve the quality of students in this country, it is essential that we recultivate an interest in education for its own sake—education for education's sake—not only in our Nation's children, but also in their parents. Our Nation's ailing education system is, in part, influenced by the parents of those children, and of young adults attending

high school and college. Parents need to take an active role in their children's education. Without parental involvement, dumbed-down textbooks will continue to creep into the local school systems, and it will be our children and our grandchildren who suffer.

I hope that we do not try to tell the American people that fighting over school vouchers or the size of an education IRA, or even the repair of our school buildings will solve the problem of the often shallow, substandard, low quality education we are offering our kids these days. I strongly suspect that our students' poor performance as scholars has a lot more to do with the general dissolution of the family structure, loss of respect for authority, rampant alcohol and drug use by students even in the lower grades, and a pervasive change in attitudes about the value of discipline, than it does with dilapidated school buildings.

We can rebuild all the school buildings that we want, and, yes, I agree that we undoubtedly need to modernize and to rebuild some of these structures, but let no one believe that school construction will solve what is wrong with education in this country today. The problems assail us from many directions. How can our teachers teach if they have to create their own textbooks as well as attempt to maintain discipline, and please every interest group? When one considers the meager salaries of teachers generally, and having to struggle against the backdrop of a society that glorifies athletics and the attainment of any type of celebrity far more than it cares about scholarship, it is easy to see why good teachers are increasingly hard to come by. How can mundane scholarship, which requires commitment and hard work on the part of the student, compete with sensational television and movies that offer brutal murder, steamy sex, and filthy language as standard daily fare for our young people? What in the world has happened to a society that is intent on rewriting every single discipline from algebra to geometry to history to be sure that those essential basic subjects are, first and foremost, absolutely politically correct? It has taken us over lock, stock and barrel. We are pulverizing essential knowledge and facts to pulp, easily digested by even the laziest and most undisciplined brains—baby pablum for the mind.

So, while we rage on here today about which political party will capture the education issue, let us remember that we are only skimming the surface with any and all of these well-intentioned solutions.

There is something much, much more fundamentally wrong with education in America today than a shortage of funding. The public school system had better shape up, or else public support for it is going to completely erode. And I, for one, am willing to try some new approaches—new approaches—anything that may help our most precious resource.

The Democratic party is not our most precious resource. The Republican party is not our most precious resource in this country. Our children are our most precious resource—our kids. And so I am willing to try some new approaches to achieve the kind of scholastic excellence that our children need and deserve.

My only hope is that someday—someday—in some effective manner, we will find the courage and the practical means to address what amounts to educational child abuse in this Nation in a bipartisan fashion.

It should not make any difference whether the right approach is Democratic or Republican. We ought to forget that stuff. That is mere junk partisanship. What matters is the education of our children.

There is no room for mere political jousting on a matter of such momentous importance to our people and to our Nation. And that is exactly what the country is witnessing in Washington with regard to the education debate—political jousting.

Mr. President, with U.S. high school seniors ranking 19th out of the 21 countries in mathematics, and 16th out of 21 countries in science, we must devote greater attention to stimulating excellence in education. Getting back to the basics is the obvious starting point, and we better start now.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). Under the previous order, there are 2 minutes of debate evenly divided.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Parliamentary inquiry. First, I think it has to be said that was a startling speech by the Senator from West Virginia that cuts to the core. I do not think much else needs to be said.

Mr. President, it is my understanding that we are now moving, by previous order, to the votes. The first vote will occur on the Levin amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. COVERDELL. Two minutes equally divided?

The PRESIDING OFFICER. Two minutes equally divided.

Mr. LEVIN. Let me thank the Senator from West Virginia for his comments.

AMENDMENT NO. 2303 TO AMENDMENT NO. 2299

Mr. LEVIN. The demands that are being made on teachers, as a matter of fact, are what is behind my amendment, which is to provide a credit to teachers who now have all these new technologies that are brought into the schools to help those teachers go back to learn how to utilize those technologies, should they choose to do so. These demands are huge. We are putting a fortune into computers, software and connectors to Internet and everything else, but we are only putting pennies into the professional development of our teachers.

This amendment would provide a 50 percent tax credit for the cost when those teachers go back for that training. It pays for it by not allowing the use of this new IRA in the K through 12 area because it is so skewed against public schools. That is the main point here. It keeps the IRA increase for college education, and it keeps other parts of this bill. But what it says is that withdrawals will not be permitted in the K through 12 grades because of the manner in which most of the money goes to private-school families, although they represent only 10 percent of the families with children in schools.

Mr. ROTH. Mr. President, I oppose the Levin amendment as it takes away the ability of parents to use educational IRAs to pay for K through 12 school expenses. It runs contrary to the whole purpose of the Coverdell bill, which is to allow parents greater resources to meet the educational needs of their young children.

Instead, Senator LEVIN wants to take these resources and expand the lifetime learning credit from 20 percent to 50 percent for those teachers who participate in technology training. A 20 percent lifetime learning credit is already available to teachers for continuing education, just as it is for members of other professionals. Let me remind my colleagues that the Coverdell bill already contains a provision that allows teachers to receive tax-free technology training provided by their employer, the school.

We all agree that it is vitally important for teachers to be proficient in the use of technology in the classroom, but this is not the way to do it. This amendment takes the resources of an expanded IRA from our families, our children, and creates a more distorted and complex learning credit.

For these reasons, I oppose this amendment and urge my colleagues to vote against it.

Mr. COVERDELL. Mr. President, I move to table the amendment offered by the Senator from Michigan, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Michigan.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 61, nays 39, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—61

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

NAYS—39

Akaka	Glenn	Leahy
Baucus	Graham	Levin
Bingaman	Harkin	Mikulski
Boxer	Hollings	Moseley-Braun
Bryan	Inouye	Moynihan
Bumpers	Jeffords	Murray
Conrad	Johnson	Reed
Daschle	Kennedy	Reid
Dodd	Kerrey	Robb
Dorgan	Kerry	Rockefeller
Durbin	Kohl	Sarbanes
Feingold	Landrieu	Wellstone
Ford	Lautenberg	Wyden

The motion to lay on the table the amendment (No. 2303) was agreed to.

AMENDMENT NO. 2299, AS AMENDED

The PRESIDING OFFICER. Under the previous order, the amendment numbered 2299, as previously amended, is agreed to and the motion to reconsider that action is laid on the table.

The amendment (No. 2299), as amended, was agreed to.

AMENDMENT NO. 2306

The PRESIDING OFFICER. There will now be 2 minutes of debate, evenly divided, on amendment No. 2306.

Mrs. BOXER addressed the Chair.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the remaining votes in this series be limited to 10 minutes in length.

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

The Senator from California is recognized.

Mr. FORD. Mr. President, parliamentary inquiry: How many votes are we having?

The PRESIDING OFFICER. Three additional votes.

The Senator from California is recognized.

Mrs. BOXER. Thank you, Mr. President.

Three weeks ago, my after-school bill was included in the budget agreed to by the Senate. It passed unanimously. Now what we are doing is authorizing the after-school program. It is paid for by cutting Government travel.

My friends, there is absolutely no national after-school grant program today. The after school program I am proposing today will have total local control. Community organizations and businesses will be brought into school buildings that now get padlocked at 3 p.m. when the juvenile crime rate goes up. That is why 170 of the Nation's leading police officers, sheriffs, and prosecutors endorsed after-school programs, so we can lift up our children and raise their academic performance, and keep them out of trouble. We cut Government travel to pay for this program and use school buildings that are lying fallow.

I hope we will have a strong bipartisan vote for this amendment.

Thank you.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, this is an old formula to identify a problem and then you create a new Federal program that might solve it.

There is a problem. There is a problem with after-school care. The solution is not to create yet another Federal program. We already have four existing programs that allow for after-school care. One of the problems with this amendment, or this program, would be that it would be school-based, school-run, and, therefore, prohibit scores of organizations like the YMCA that are currently providing for after-school care. They would be excluded entirely. There are 19 existing Federal programs that provide tutoring and mentoring for students on a one-on-one basis. So it is simply unnecessary to start a new Federal program at a price tag of $250 million. I ask my colleagues to oppose this amendment.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I ask for the yeas and nays on the amendment of the Senator from California.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—49

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

NAYS—51

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

The amendment (No. 2306) was rejected.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2309

The PRESIDING OFFICER (Mr. SMITH of Oregon). The question is now on amendment No. 2309, offered by Mr. COVERDELL. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order. The Senator from Georgia.

Mr. COVERDELL. Mr. President, this is the reading excellence amendment. It is designed to attack the reading deficiency. We have 40 million Americans who could not read a phone book or a medicine label. The President of the United States called for this initiative to be adopted by the Senate. Senator KENNEDY from Massachusetts spoke on behalf of the amendment. In deference to time, it is my understanding both sides will be agreeable to a voice vote, which I will call for after we have heard from the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I want to just commend Senator COVERDELL for focusing on the issue of literacy. As we know, President Clinton advanced a literacy program in 1996. Our colleague, Senator JEFFORDS, has been having the hearings on this literacy issue in his committee and has been a leader on literacy issues—child literacy, family literacy, and adult literacy programs. I am very hopeful we will have a good bill that will be strong and bipartisan in the very near future. So I hope everyone will support this program.

I want to just mention quickly the concern that I have is that it is too prescriptive in terms of how it develops the programs. The Academy of Sciences has outlined a series of ways

of doing it. I think we ought to consider that. It establishes a new State bureaucracy. I think we ought to build on the States. The tutorial programs are not school based, and I think they would be stronger if they were.

These are important issues, but what I think is enormously encouraging is that we have strong, bipartisan commitment to try to work out in the very near future a strong bipartisan literacy program. I commend Senator COVERDELL for developing this amendment and his strong commitment to work with all of us. We look forward to working with him to get a good, strong bill.

Mr. COVERDELL. I thank the Senator from Massachusetts. My understanding is that the Chair is prepared to call for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2309.

The amendment (No. 2309) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2308

Mr. COVERDELL. Mr. President, am I correct that the pending business is the vote on the Bingaman amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. BINGAMAN. Mr. President, this amendment tries to begin to focus national attention and some resources on the problem of students who drop out of school before they complete high school.

In 1989, when President Bush and the 50 Governors met and set some national education goals for the country, one of those goals was that we would have at least 90 percent of our students complete high school before they left school. At that time, 86 percent of our students were completing high school before they left. Today, it continues to be 86 percent. We have done absolutely nothing to reach this very important national goal.

Mr. FORD. Mr. President, may we have order? It is getting a little out of hand here. The Senator from New Mexico deserves to be heard, the same as those on the other side.

The PRESIDING OFFICER. The Senate will come to order. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, thank you, and I thank my colleague from Kentucky.

This amendment is offered on behalf of myself, Senator REID, Senator FEINSTEIN, and Senator CHAFEE. It is bipartisan. It is an important bipartisan issue. We have always before, at least since the national goal was established in 1989, found excuses to not do anything to follow up and achieve the goal. This time we need to go ahead and commit some Federal resources to help local school districts solve this problem. This amendment is a step in that direction. I hope very much that people will support the amendment.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I rise in opposition to Senator BINGAMAN's amendment. Under the Senator's amendment, $125 million is authorized for grants in the first year alone. It would create an office of dropout prevention in the Department of Education. The amendment would allow for the creation of a dropout czar at the Department of Education.

As Senator FRIST so eloquently stated when the amendment was debated earlier, he suggested as chairman of the Budget Committee's task force on education that we look to creative ways to assist all of our students, proposals such as the block grant, which the Senate agreed to only yesterday, which will allow States and localities the flexibility to decide for themselves how to best spend education dollars.

Senator FRIST argued that this amendment adds yet to the complexity of an already encumbered Federal Department of Education. I call on my colleagues to oppose the amendment of the Senator from New Mexico.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2308. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 74, nays 26, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—74

Abraham	Dodd	Landrieu
Akaka	Domenici	Lautenberg
Baucus	Dorgan	Leahy
Bennett	Durbin	Levin
Biden	Faircloth	Lieberman
Bingaman	Feinstein	McCain
Bond	Ford	McConnell
Boxer	Glenn	Mikulski
Breaux	Graham	Moseley-Braun
Bryan	Gramm	Moynihan
Bumpers	Harkin	Murkowski
Burns	Hatch	Murray
Byrd	Hollings	Reed
Campbell	Hutchison	Reid
Chafee	Inouye	Robb
Cleland	Jeffords	Rockefeller
Collins	Johnson	Roth
Conrad	Kempthorne	Santorum
Coverdell	Kennedy	Sarbanes
Craig	Kerrey	Smith (NH)
D'Amato	Kerry	Smith (OR)
Daschle	Kohl	Snowe
DeWine	Kyl	Specter
Stevens	Torricelli	Wellstone
	Warner	Wyden

NAYS—26

Allard	Grams	Mack
Ashcroft	Grassley	Nickles
Brownback	Gregg	Roberts
Coats	Hagel	Sessions
Cochran	Helms	Shelby
Enzi	Hutchinson	Thomas
Feingold	Inhofe	Thompson
Frist	Lott	Thurmond
Gorton	Lugar	

The amendment (No. 2308) was agreed to.

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

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

The motion to lay on the table was agreed to.

MODIFICATION TO AMENDMENT NO. 2299

Mr. COVERDELL. Mr. President, I ask unanimous consent to modify Amendment No. 2299, previously agreed to, making technical changes, which I have at the desk.

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

The modification is as follows:

Change the instruction line to read:

Strike section 101 as amended and insert the following:

EXPLANATION OF ABSENCE—VOTE ON AMENDMENT NO. 2305

Mr. CAMPBELL. Mr. President, prior to the noon hour today, the Senate cast a roll call vote on our colleague Senator DODD's amendment No. 2305 to H.R. 2646, the Coverdell Education bill. This vote to waive the Budget Act with respect to the Dodd amendment failed by a vote of 46–53. I was unavoidably detained in the Physician's Office of the Capitol, but would have voted against waiving the Budget Act. My vote would not have altered the final outcome of the vote.

Mr. LOTT. Mr. President, just so all Members will be aware of what we are talking about at this point—and I do not have a unanimous consent request ready at this moment, but I will have one momentarily for Senator DASCHLE to review—we will be having additional votes tonight. We try to accommodate Senators' schedules, but we believe we can get an agreement for final debate on the education bill and then have a recorded vote. That I presume would occur sometime around 7 o'clock, or earlier if some time is yielded back. That will be followed, if we can enter the agreement, by a debate of approximately 30 minutes on the resolution dealing with Northern Ireland and a vote after that.

I assume we will have then two additional votes tonight, and then we will have a further announcement about the schedule on Friday, but with no recorded votes on Friday, and Monday with likely recorded votes, at least a vote at 5:30 on Monday. But we will have that for each leader to review momentarily, and we will be asking for consent to that effect.

I yield the floor. Is any Senator seeking recognition?

I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. In the interest of making sure we utilize all time that is available, we have here and ready to speak Senators who are interested in the resolution with regard to Ireland.

ACKNOWLEDGING THE HISTORIC NORTHERN IRELAND PEACE AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the current resolution regarding Ireland; that there be 30 minutes for debate only, equally divided between the majority and minority leaders or their designees; that no motions or amendments be in order, and at the conclusion of yielding back of time, we have the vote on the resolution on Ireland immediately following the education vote. So it would be stacked, those two—first the education vote and then the vote on the Ireland resolution.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LOTT. I yield the floor, Mr. President.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Con. Res. 90) to acknowledge the historic Northern Ireland peace agreement.

The PRESIDING OFFICER. Who yields time?

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

The Senator controls 15 minutes on his side.

Mr. DODD. I thank the Chair.

Mr. President, I offer this resolution on behalf of myself, Senators KENNEDY, MOYNIHAN; the Democrat leader, Senator DASCHLE; Senator LEAHY; Senator LAUTENBERG; Senator KERRY; Senator MACK; Senator D'AMATO; Senator HARKIN; and Senator BIDEN.

Mr. President, today we are here considering this resolution when there are renewed hopes for peace in Northern Ireland, hopes that spring from the successful conclusion of 22 months of negotiations on April 10, Good Friday. I do not think it was mere coincidence that it was during Holy Week, one of the most sacred periods in the Christian calendar, that this small miracle occurred, the possibility of peace, political stability, and reconciliation for the 1.6 million people who reside in the six counties of Northern Ireland. Many people deserve credit and congratulations for making this small miracle possible.

First, we should commend the individuals who participated in the peace process for more than 3 years and stayed the course. It took courage on their parts, as Senator Mitchell noted, "to compete in the arena of democracy."

I think it is fair to say that one of the giants over the years in Northern Ireland and the Northern Ireland peace efforts has been John Hume of Derry, a long-time civil rights crusader and respected leader of the Social Democratic and Labour Party. John Hume deserves great praise for his tireless efforts over the past 30 years to bring peace to his people. David Trimble, president of the Ulster Unionist Party, and Gerry Adams, president of Sinn Fein, were also indispensable in making a final agreement possible.

They, along with other participants, deserve enormous credit for their persistence and determination, for their willingness to make honorable compromises so that the people of Ireland can look forward to a day when hatred and bloodshed are not part of their daily landscape.

Let me also take a moment, if I may, to mention a few of the other key actors in this drama who warrant special recognition. First, British Prime Minister Tony Blair, who made the search for peace one of his first priorities upon assuming office last year. He did so because he believed that the people of Belfast "deserve a better future than a life of bloodshed, murder and disharmony."

Equally important to the success of the process was the Irish Taoiseach Bertie Ahern, also was new to the office, who inspired trust and confidence in the nationalist community. They knew of his commitment to ensuring that any final agreement would protect and guarantee the rights, freedoms, and traditions of the Irish Catholic minority in the north.

It goes without saying that the American people can be justifiably proud of the role played by President Clinton throughout the process. Were it not for the President's vision, perseverance, and unwillingness to give up on the negotiations, we would not be here today talking about a new chapter in the history of Northern Ireland.

Perhaps President Clinton refused to be discouraged because he had looked into the eyes of so many men and women during his visit to Belfast in 1995 and saw how deeply they yearned for peace, most especially peace for their children.

Last but not least, there was Senator George Mitchell, our former colleague, who shepherded the parties to an agreement. As someone who served with Senator Mitchell, it came as no surprise to me that George found a way to overcome what at times appeared to be insurmountable differences among the parties.

With patience, evenhandedness and acute political skills, Senator Mitchell guided and empowered the parties to find common ground and finalize an agreement.

The tireless efforts of Ambassador Jean Kennedy Smith should also be acknowledged. She was there at every turn to keep everyone focused on what was happening throughout the process, and to ensure that at appropriate moments, the necessary encouragement from the United States was forthcoming.

I should mention as well that our own colleague, Senator EDWARD KENNEDY of Massachusetts, played a very, very important role over many years to encourage a political and peaceful resolution of the problems in the north.

There have been others of our colleagues here in this Chamber, Senator MOYNIHAN of New York, Senator LEAHY of Vermont, Senator MACK of Florida, and in the other body PETER KING of New York, Congressman NEAL of Massachusetts, BEN GILMAN of New York, JOE KENNEDY of Massachusetts all of whom have been deeply committed to finding a peaceful solution to Ireland's Troubles. I know there are others as well, but these are the names that come to mind immediately who, for many, many years sought to bring about a political and peaceful resolution to the violence in the north.

The 67-page final document is a complex mosaic of provisions that endeavors to address the interests and concerns of the two Northern Ireland communities, Protestant and Catholic, within a framework of democracy, justice and equal rights.

The April 10 agreement is in many ways the culmination of more than a decade of efforts by the British and Irish governments to broker peace in the conflicted North. The 1985 Anglo-Irish Accord, the 1993 Joint Declaration, and the 1995 New Framework for Agreement were all important milestones on the road to peace.

Perhaps the secret of success on this occasion was that all of the parties to the conflict were represented in the negotiations—each side setting forth for itself its concerns and aspirations. Those concerns and aspirations have in turn been interwoven into the final text of the accord.

The August 1994, IRA cease-fire and the cease-fire by the Combined Loyalist Military Command that followed shortly thereafter created the opportunity for these all inclusive negotiations to take place.

There were clearly anxious moments over the last several years during the quest for peace. To be sure, at times

the setbacks and disappointments that followed the promise of the 1994 cease-fire announcements, left all of us despairing that the situation was without hope.

You will recall, for example, that the peace process was dealt a near fatal blow on February 9, 1996, with the detonation of an IRA bomb in London—a blast that injured scores of innocent people.

Frankly, until the restoration of the IRA cease-fire last July, the Northern Ireland peace process had hit bottom, it had reached the point where, in the words of Irish poet Seamus Heaney, "bad news is no longer news."

We are now once again at a turning point in the history of Northern Ireland. The possibility of peace is as real as it has ever been.

As President Clinton has so aptly observed, "to engage in serious negotiations, to be willing to make principled compromises, requires courage and creativity."

The political leaders of Northern Ireland demonstrated that courage and creativity in finalizing this agreement.

It is now up to the people of Ireland—North and South—to ratify that agreement in the upcoming referendums. More importantly, it rests in their hands and hearts to make the words on that 67-page peace accord make a difference in the daily lives of every man, woman and child who calls Northern Ireland home.

On this day and in this Chamber, with what I hope will be the unanimous endorsement of every one of our colleagues, I pray, as everyone else does, that the people of Northern Ireland will have the courage, wisdom and foresight to do that.

Mr. President, I know my colleague, Senator KENNEDY, is here on the floor. If there is additional time, I ask unanimous consent for another 5 or 10 additional minutes for people to be heard on this issue if it is appropriate.

The PRESIDING OFFICER. There are 6½ minutes remaining. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it is a privilege to join my colleagues, Senators DODD, MOYNIHAN, KERRY, LAUTENBERG, LEAHY, DASCHLE, MACK, and D'AMATO in sponsoring this resolution, which commends the many leaders responsible for the achievement of the recent historic peace agreement in Northern Ireland.

The agreement reached on Good Friday marks a turning point in the history of Northern Ireland. For too long, it has been a land synonymous with bloodshed, violence and hatred. But now Northern Ireland stands as an example to the world that agreement between differing ethnic and national groups is attainable.

The current troubles in Northern Ireland began in 1969 and raged mercilessly in the following decades, to the great distress of the many citizens there who wanted only peace and justice.

Many efforts to achieve a peaceful settlement over the years were unsuccessful. But finally, in December 1993, the Irish Government and the British Government issued a Joint Declaration, making it clear that if the groups resorting to violence declared ceasefires, their political representatives could join all-inclusive talks on Northern Ireland's future. The time was ripe, and a hopeful formula for peace had been found.

I give special credit for this historic achievement to John Hume, the leader of the Social Democratic and Labour Party in Northern Ireland, who has worked tirelessly and brilliantly for peace in Northern Ireland for the past quarter century. No one's contribution has been greater. When the final history of this extraordinary agreement is written, the name of John Hume will stand first.

The courageous decision by President Clinton to grant a visa for Gerry Adams, the leader of Sinn Fein, to visit the United States in early 1994 was a key step leading to the decision by the Irish Republican Army to declare a ceasefire in August of that year, and the Loyalist paramilitaries did the same in October 1994.

In the years that followed, there were many obstacles, setbacks, and crises to be overcome, but the parties never lost sight of the goal of the peace. A new British Government under Prime Minister Tony Blair was elected in May 1997, and a new Irish Government under Taoiseach Bertie Ahern came to power in June. Both leaders, with the strong support of Britain's Secretary of State for Northern Ireland, Marjorie Mowlam, committed themselves to peace, and worked skillfully and effectively to achieve it.

Negotiations including Sinn Fein and chaired by our former Senate colleague George Mitchell began, and Senator Mitchell's patience and determination were critical in guiding the talks to a successful conclusion.

Great credit also goes to Taoiseach Ahern and Prime Minister Blair. They made Northern Ireland their high priority, and constantly urged the parties to keep moving forward to agreement. President Clinton's continuing strong support was also indispensable in the success that was finally achieved. And so were the support and encouragement of my sister, Ambassador Jean Kennedy Smith, who has done an outstanding job as America's Ambassador to Ireland for the past five years, and whose early insight into the possibilities for peace helped launch this all-important peace process.

The participants on both sides in the talks also deserve great credit. They had the courage to sit down to negotiate, and to produce a fair agreement that reflects the aspirations of Nationalists and Unionists alike. Truly, they are all profiles in courage.

On May 22, the agreement will be voted on in separate referendums by the people of Ireland, North and South. Last Saturday, David Trimble, who deserves great credit himself as a principal architect of the peace agreement, succeeded in obtaining the overwhelming endorsement of the Ulster Unionist Party for the agreement. I hope that the leaders of all the parties will work as hard and as effectively for a "yes" vote to convince their followers of the merits of this agreement.

Hopefully, the people of Ireland and Northern Ireland will approve the agreement in the referendums to be held next month, so that implementation of the agreement can begin. An Assembly must be elected. Changes must be made in the policing and the criminal justice systems to reassure both Nationalists and Unionists that they will receive equal protection under the law. Nationalists and Unionists will have to work together in partnership. After decades of animosity, this challenge is still very real, but Northern Ireland's parties can rise to meet it, as the events of Good Friday have proved. And they will have the continuing strong support of the United States as they do so.

I thank the majority leader for scheduling this resolution in an extremely pressed time. Given the historic agreement that has been reached, it is entirely appropriate that the Senate speak on this issue. We are very, very appreciative that the majority leader is giving us the opportunity in a very busy time to consider this resolution and support it.

Mr. DODD. Mr. President, if my colleague will yield, I also thank the majority leader. I know the pressures he is under. Everything is terribly important. As my colleague from Massachusetts said, he is gracious to allow us to bring this up at this particular time.

I ask—I know there are others, including our colleagues from Florida, New York and others, who want to be heard on this issue who may not be able to make it over to speak—that the RECORD be left open so their comments on the resolution appear prior to the adoption of the resolution.

If it is appropriate, I ask for the yeas and nays on this resolution.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LOTT. Mr. President, I ask unanimous consent, for those Senators who would like to have their statements on this resolution inserted, that they be inserted at this point in the RECORD. I know Senator MACK, who had gotten away before we made these arrangements, would like his remarks included at this point.

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

Mr. KERREY. Mr. President, I rise today to offer my support to the Resolution being debated on the floor this afternoon. I am proud to be a cosponsor of this important statement of Senate support for the Northern Ireland peace agreement. Like my colleagues, I believe the settlement in Northern Ireland is an historic opportunity to bring peace to a remarkable people that have suffered from violence for far too long. And as a nation with deep cultural ties and personal attachment to Ireland, I believe we can all take a moment to be hopeful that a new era of peace and prosperity in Northern Ireland is now possible.

First, I would also like to use this opportunity to offer my congratulations to our former colleague George Mitchell for his role as Independent Chairman of the multiparty talks. Despite long odds and numerous setbacks, Senator Mitchell has demonstrated diplomatic skills that can only be learned by being Majority Leader of the Senate. His actions have truly been a credit to our nation.

Mr. President, for the first time in centuries there is hope that a lasting peace can be achieved in Northern Ireland—I think our words today fail to capture the importance of this opportunity. The agreements that led to the April 10 accord are the result of brave actions by both Protestant and Catholic political leaders, and the desire to find a solution to the cycle of violence that has virtually imprisoned all of the people of Northern Ireland for decades. I am confident, when given the chance to vote in the May 22 referendum, the people of Ireland will take the opportunity to send a strong message to their political leaders of their desire to continue to move forward in this process.

In our euphoria over the recent agreements, we must not forget that lasting peace will only come with continued diligence. We must not allow the opponents of peace in Northern Ireland to use terrorism to destroy what has been painstakingly built so far. Mr. President, with our strong support for this resolution we send an unmistakable signal of our willingness to continue to work with any and all people in Northern Ireland dedicated to bringing about a peaceful and lasting settlement.

Mr. MOYNIHAN. Mr. President. I rise as an original sponsor of the resolution acknowledging the historic Northern Ireland peace agreement. In adopting this resolution, the Senate will demonstrate its strong support for this agreement which has been so long in coming.

When I first came to the Senate in 1977, Senator KENNEDY, Speaker O'Neill, then-Governor Hugh Carey of New York, and I joined together and issued this St. Patrick's Day statement:

> We appeal to all those organizations engaged in violence to renounce their campaigns of death and destruction and return to the path of life and peace. And we appeal as well to our fellow Americans to embrace this goal of peace, and to renounce any action that promotes the current violence or provides support or encouragement for organizations engaged in violence.

Now, finally, one of the oldest conflicts in Europe has the potential of healing and being resolved. A courageous agreement has been reached in Northern Ireland. We in the United States Senate can be particularly proud of the role that our former colleague and leader George Mitchell played in mediating this agreement. He deserves no less than the Nobel Peace Prize.

The search for a just and lasting peace in Northern Ireland has entered a most promising stage. This resolution indicates the strong support of the United States Senate for this historic agreement. May it fulfill our hopes.

Mr. FEINGOLD. Mr, President, I rise today to commend the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from New York (Mr. MOYNIHAN) for introducing S. Con. Res. 90, which acknowledges the historic Northern Ireland peace agreement, and congratulates the individuals who made the agreement possible.

Just today, in my home state of Wisconsin, leaders representing all sides of the Northern Ireland peace process gathered in Milwaukee for a National Symposium on Prospects for Peace in Northern Ireland, sponsored by the George F. Kennan Forum on International Affairs. Mr. President, this conference was planned long before the historic peace agreement was announced. I am pleased that the attendees were able to come to Milwaukee with a viable agreement already on the table. The speakers at today's conference, who were involved in the negotiations of the peace agreement, discussed both the agreement itself and prospects for a lasting peace in Northern Ireland.

In light of this resolution, I want to repeat some of my remarks for the peace symposium.

The recent agreement reached by the parties to the conflict in Northern Ireland offers real hope for an end to three decades of violence in that troubled land. This historic step is the product of a new commitment to peace by parties on all sides of this longstanding conflict.

It is proper that this resolution commends President Clinton for making the search for an end to the conflict in Northern Ireland a top foreign policy priority. My former colleague, Senator George Mitchell, deserves special recognition from this body for his leadership in helping move the parties to an agreement. Above all, we commend the leaders from all sides of this conflict, many of whom worked tirelessly on this agreement, and had the will to put ancient hatreds aside and make peace their priority.

Now the success of the agreement rests in the hands of the people of Northern Ireland, who continue to review the details and, eventually, will have the opportunity to express themselves democratically through a referendum. Let us hope that all the parties will be able to commit to this process and that none will turn to the sectarian violence of the past. It is now the duty of all who seek peace to resist the efforts of those who may seek to undermine the accords through violence.

As a member of the Senate Foreign Relations Committee, I believe this agreement signals new hope for longstanding conflicts around in the world. Just a few years ago, many saw the conflicts in South Africa and Northern Ireland as intractable, but today one has been peacefully resolved and the other has made tremendous progress, as we recognize with this resolution.

So, Mr. President, I am happy to support this resolution with hope for the future, and commend the brave leaders who have taken a risk for peace in Northern Ireland.

Mr. CHAFEE. Mr. President, on Good Friday a landmark agreement was reached in Northern Ireland to start down the road to bring to an end decades of violent hostilities, and reshape fundamentally the political institutions of that province. All Americans have reason to be very pleased that the many competing political factions in Northern Ireland were able to resolve their longstanding, bitter disagreements.

Today I want to express my particular appreciation of the splendid efforts of President Clinton's Special Advisor on Ireland, former Senate Majority Leader George Mitchell. It comes as no surprise to me that those closest to these negotiations believe that were it not for the tireless efforts of Senator Mitchell, this agreement would not have been reached. Having worked with Senator Mitchell for nearly fifteen years on many complex issues, I can certainly attest to his unique ability to forge an agreement that most thought unachievable.

Senator Mitchell's many fine attributes served him well in the U.S. Senate, and helped prepare him for the tremendous challenges he faced as chairman of the multi-party talks in Northern Ireland:

He has the patience to listen to the contentions of people whose differences have existed for some three hundred years. Twenty-two months of talks may well have worn out a less capable, less disciplined person.

Senator Mitchell also brought with him to Belfast the Senate's respect for full and fair debate. As chairman of these talks, he ensured that all voices at the table were permitted to speak. He knew well that in the end, a successful agreement required that all parties felt that they had been listened to.

He possesses unrivaled negotiating skills. When needed, Senator Mitchell called upon Prime Ministers Blair of Great Britain and Ahern of Ireland, as well as President Clinton, in order to urge the participants to keep the talks alive. He also had the strategic thinking to set a deadline to end the talks.

Senator Mitchell was persistent in bringing about this agreement. Despite the long odds, he never gave up in his core belief that newborn children in Northern Ireland deserve the same chance as his six-month-old son to have peace, stability and reconciliation.

Finally, Senator Mitchell believed in compromise. Unionists and nationalists were clearly far apart when these talks began, as they had been for decades. Senator Mitchell was able to forge an agreement that gave just enough to both sides so that each could declare victory. Indeed, this ability to bridge differences helped create our very nation, as our Founding Fathers crafted a Constitution that satisfied the big states—that sought representation by population—and the small states, that sought representation by states.

Mr. President, George Mitchell's accomplishment in Northern Ireland makes us all very proud of him and proud of American values and ideals. In announcing the Good Friday Agreement, he stated, "it doesn't take courage to shoot a policeman in the back of the head, or to murder an unarmed taxi driver. What takes courage is to compete in the arena of democracy as these men and women are tonight."

Senator Mitchell knows the value of this competition of ideas from his days in this institution. He recognizes that a government which upholds this competition of ideas serves its people best. The people of Northern Ireland have recognized this basic truth as well. We salute George Mitchell, a true statesman who has helped begin the end of one of the world's most intractable conflicts.

Ms. SNOWE. Mr. President, today I rise to express my support for Senate Concurrent Resolution 90, which acknowledges the historic Northern Ireland Peace Agreement reached just two weeks ago.

Both the governments of the Republic of Ireland and the United Kingdom have worked for many years to facilitate a peaceful resolution to the conflict in Northern Ireland that has cost so many lives and caused so much suffering. Ultimately, it was the willingness of the representatives of Northern Ireland's political parties to adhere to the principles of non-violence that helped create an atmosphere that led to this most historic agreement.

I commend all those who helped lay the groundwork for this achievement: Prime Minister Tony Blair, Prime Minister Bertie Ahern and President Clinton for their dedication to the peace process. And I am especially proud of my former colleague, Senator George Mitchell, for his patient and herculean efforts to heal the deep wounds of this tragic conflict.

It will come as no surprise to my fellow Mainers and my Senate colleagues that Senator Mitchell would be unduly modest in recognizing the role he has played. As he noted, it may be true that the agreement alone "guarantees nothing." But it does bestow the precious gift of hope upon a people who finally have "the chance for a better future."

In his quiet, understated way, George Mitchell brought individuals who had been in conflict for the past thirty years out of the shadows of distrust and into the light of faith—faith in a nonviolent, democratic resolution. As one of the participants in the talks commented, "Here the United States sent one of its most able, skilled, talented, humble politicians, a supreme diplomat, and frankly we didn't deserve him."

That is a poignant and appropriate tribute to a man who has helped bring the promise of peace to a region most deserving of its blessings. As one who served with him in the Congress for nearly 15 years, I am proud to extend my gratitude to Senator Mitchell for his extraordinary work. And I do so knowing that the honor which would please George Mitchell most would be the true and lasting success of the remarkable agreement he helped to broker.

May the Northern Ireland Peace Agreement finally bring an end to the fear and suffering, and may the future of Northern Ireland be as bright as the spirit and potential of her extraordinary people.

Ms. COLLINS. Mr. President, it was Samuel Johnson who said in 1777 that the knowledge that you will be hanged in a fortnight does wonders to concentrate your mind. In 1998, former Senate Majority Leader and Maine Senator George Mitchell proved the truth of this aphorism by giving the Northern Ireland peace talks a deadline, placing upon these negotiations the equivalent, if you will, of a "sunset" provision that left the parties no alternative but finally to come up with a real solution.

This deadline accomplished its purpose: it concentrated their minds wonderfully, and this led directly to the historic Stormont Agreement. Some years ago it scarcely seemed possible to imagine a Northern Ireland in which children could grow up without fear of sectarian violence and bloodshed. Today, however, this brighter future is not only imaginable—it is very nearly here.

That Senator Mitchell should possess such statesmanship and political acumen is, of course, no surprise in my home state of Maine. Senator Micthell is greatly admired in this country for his work on behalf of Maine and on behalf of all Americans. Today, however, the people of Northern Ireland and the Republic of Ireland—and peace-loving people everywhere—also owe Senator Mitchell a great debt for helping steer these talks to their successful conclusion.

It is my great hope that with his statesmanship and steady hand, Senator Mitchell has now made it possible to achieve a real reconciliation in Northern Ireland—and for the Irish people to go about building their future together, in cooperation rather than in conflict.

And I am very pleased that the Senate tonight will pass legislation expressing our support for the Irish peace process and the brighter future represented by the Stormont Agreement.

Mr. MACK. Mr. President, I am proud to join my colleagues in the United States Senate in congratulating the people of Northern Ireland for their tremendous courage and perseverence which allowed for the signing of the historic peace agreement. With continued political leadership and the inspiring dedication of the Northern Ireland people, I am optimistic that peace may be at hand.

I traveled to Northern Ireland this past January. In fact, I arrived on the date that the latest initiative which led to the peace agreement arrived: January 12. During three days there, as the parties reviewed the details and held discussions with their constituencies, I developed a deep admiration for the political leaders who eventually accepted this agreement.

The concurrent resolution which we are submitting today seeks to thank all of the people who contributed to this peace agreement; I wish to personally thank all of the people who spent time listening to and talking with me.

Mr. President, I learned a great deal about politics and courage from the representatives of the political parties in Northern Ireland. I found that politicians in Northern Ireland share many of the challenges that politicians face in the United States Senate. Specifically, they often spend hours of each day in very difficult negotiations which may result in dramatic changes in the lives of those they represent. Following these meetings, they face their constituencies and justify their actions. The difference, however, between our jobs and theirs lies in the stakes. These people literally risked

their lives by engaging in the peace process; they risked their lives to endorse this agreement; and they continue to bear this risk as the process continues.

Mr. President, the American people recognize the incredible risks these leaders take, and we thank them. To these brave men and women, however, the reward diminishes the risk. If this agreement succeeds as planned, it may alter the course of history. Because of this brave sacrifice, the people of Northern Ireland have the promise of security, freedom, prosperity and an end to indiscriminate killings and terrorist acts.

Mr. President, our concurrent resolution thanks a lot of people. But for me, the most inspiring people I met were outside of Belfast. The role of the community leaders cannot be overemphasized. While the negotiations proceeded in Belfast, at homes, neighborhoods and towns across the region, people were building local relationships which crossed borders and communities. These are the true heroes of the peace process. The people I met are making changes and making a differences where they live. They support the political process, but were not waiting around for anything coming from the capitals. Spending time among the people in the border regions, with the strongest faith in their abilities to make a difference in their own towns and neighborhoods, I became convinced that peace had a chance in Northern Ireland.

I salute all of the people of Ireland and Norther Ireland today who have labored for peace. They are the driving force behind the peace process, and they will make it work.

Mr. LOTT. I have a few remarks I would like to make on this.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I thank Senators KENNEDY and DODD for their comments. I thought it appropriate today, without another day going by, that the U.S. Senate express itself on this very important issue on behalf of the American people. That is why we made sure that we brought it up and had these few minutes to discuss this resolution, and that we put on the record our salutations to those who have been involved in these negotiations. We offer our congratulations to all the participants in the negotiations. I think they deserve recognition for their willingness to make honorable compromises in order to reach this agreement.

I think particular credit goes to our former colleague, Senator George Mitchell, for his persistence and his doggedness. Frankly, I wasn't sure that it could be pulled off, but he stayed with it. I think we owe him a debt of gratitude for his work.

Also, of course, I commend Prime Minister Tony Blair and Taoiseach Bertie Ahearn for their involvement and leadership. I believe the American people are proud of the contributions the United States and our President have made to this effort. We hope it will lead to approval in the May 22 referendums. Most of all, we hope it will lead to a lasting peace in Northern Ireland. That is the desire and that is the prayer of the people in Northern Ireland, in America and, hopefully, throughout the world. I endorse this resolution.

I have no further request for time. I am prepared to yield back the remainder of our time.

The PRESIDING OFFICER. All time is yielded back.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, Senator DASCHLE and I have been communicating. We do have an agreement we think is a fair way to conclude the debate on the education bill and also an agreement with regard to how the State Department reorganization conference report will be considered.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the Coverdell A+ education bill be advanced to third reading and that there be 3 hours 40 minutes of remaining debate time, to be equally divided in the usual form; and that following the conclusion or yielding back of time, the Senate proceed to a vote on passage of the Coverdell A+ bill.

I am hoping that Senators have had an opportunity to say what they need to say on this. Those who want to make closing remarks will be free to do so under this agreement, but it would be all right with the majority leader and the Senate if we did not have to use the full 3 hours 40 minutes. At that time, we will have a recorded vote, if this agreement is entered into, on the education bill, followed by a vote on the Irish resolution.

I further ask unanimous consent that at 10 a.m. on Friday, the Senate begin consideration of the conference report to accompany the State Department reorganization bill under the consent agreement of March 31, and that the vote occur on adoption of the conference report at 5:30 p.m. on Monday, April 27, with 10 minutes of debate remaining for closing remarks to be equally divided just prior to the vote.

I further ask unanimous consent that when the Senate reconvenes on Monday, April 27, following morning business, the Senate proceed to executive session to consider the NATO enlargement treaty.

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

Mr. LOTT. Mr. President, for the information of all Senators, we will have two votes back to back around, I presume, 7:30, hopefully. Then we will have the State Department reorganization debate on Friday, with no recorded votes. The next recorded vote after tonight will be at 5:30 p.m. on Monday. We will have no other subject debated on Monday other than NATO enlargement. We will stay on NATO enlargement until Senators feel they are prepared to vote. Hopefully, by having that debate Monday and votes on amendments perhaps on Tuesday and Wednesday, we can come to a conclusion on Wednesday, but we will not hurry this most important issue and deliberation of the Senate with regard to the NATO enlargement treaty.

Therefore, that will be the schedule for the remainder of this week and through some part of Wednesday of next week.

I yield the floor, and we can now begin the debate.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the order just stated, the Senate will now resume discussion and debate of H.R. 2646.

Under the previous order, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from the great State of California.

Mrs. FEINSTEIN. Mr. President, I have not had an opportunity to speak on this bill. I take this opportunity to do so now.

Prior to yesterday, it was my full intention to vote for this bill. After yesterday, I regret to say I have some serious problems with it and cannot vote for it at this time, but I will, if the problems are remedied, vote for this bill when it comes out of conference.

Let me speak just briefly about what the problems are and then why I think the Coverdell-Torricelli bill is so important and groundbreaking.

Yesterday, this body accepted on a 50-to-49 vote an amendment to convert over $10 billion in currently targeted Federal education funds to a block grant to States. With adoption of this amendment, our efforts to direct limited Federal funds to national priorities are obliterated. Funds for disadvantaged students, funds to make schools safe and drug-free, funds for meeting national student achievement goals—virtually gone.

For ESEA Title I, the bill as it now stands deletes important requirements:

Requirements for student performance standards and assessment, something that I believe is vital if we are going to change the downward trend of public education in this country.

Requirements for evaluating a program's effectiveness. How could someone oppose that?

Requirements to take corrective action if programs are not effective. You mean, don't change a program if you find out it is not effective?

And requirements that Federal funds not supplant State and local funds. That was the Gorton amendment.

Secondly, that same day the Senate adopted, on a 52–47 vote, an amendment which would prohibit voluntary national testing of students. Last year, this body worked out a bipartisan compromise on reading and math testing under which States and local school districts could participate in national achievement tests, if they wished, voluntarily. Many, including several school districts in California, have agreed to participate. A good thing. Without national tests we have no way of comparing student performance, therefore, the success of individual States in educating their students from State to State. This was the Ashcroft amendment. It would abolish these voluntary tests.

Both of these amendments run counter to my very strong education beliefs. And more importantly, I believe they obliterate any chance of a veto being overridden by this body. I think that is really too bad, because I was one Democrat who was planning to vote to override a Presidential veto if necessary because I believe the Coverdell-Torricelli bill breaks important ground which I, frankly, am pleased to stand and support and defend.

I have heard the bill called a lot of things: "A voucher system." In my view, it isn't. A "subsidy to private institutions." In my view, it isn't. A "gift to the wealthy." In my view, it isn't. I have heard it said that it is "bad education policy." I disagree. "Bad tax policy." I disagree.

What this bill is, is an encouragement to save for education in a society that lives on credit and saves very little. In my book, that is good. I intended to vote for this bill.

Last year, as you all know, we had the IRA savings accounts for higher education of $500. Both political parties thought that was good. That would be extended to $2,000 and extended down through elementary school by this bill, whether the family that saves wants to spend that money in a public institution, a private institution, a religious or a parochial institution. I think that is good, sound public policy.

I have heard it said this is only for the rich. I suppose the reason for that is because these special savings accounts would be available to couples earning under $150,000 and single people earning under $95,000. And some people say, "Why should we give them any benefit?" Well, let me tell you, in my view, saving for education makes sense, whether you make $30,000 a year or $90,000 a year. It is good and we should encourage it. Of course, it may not be politically correct, but if it makes education a higher priority or a little easier, even better, what is wrong with that?

Let me speak for a moment on how Americans save.

The U.S. personal savings rate has been dropping for some time. In 1997, it fell again from 4.3 percent in 1996 to 3.8 percent in 1997. The U.S. household personal savings rate for 1996 was 4.4 percent; compared to Japan, with its troubled economy, at 12 percent; Germany at 11.4 percent; France at 12.8 percent; and Italy at 13 percent. So the United States saves about two-thirds less than any of these countries.

I'll give you an example of what is good about this bill. Let us say you are a struggling single mother, as I was at one point in my life. I earned less than $30,000 a year. I was a single mother with a young child. I could not save; that is true. Nonetheless, if I had had an uncle who saw an incentive like the tax incentives in this bill, and said, "Aha, she's got problems now. Let me start a savings account for her little girl," I would have appreciated it. This savings incentive would be available to a parent, a grandparent, an uncle or an aunt.

So if a grandparent can contribute to a grandchild's education, when the mother of that child only earns $25,000 or $30,000 a year, what is wrong with that? That is good. And if they want to spend that savings in a private school, in a public school, in a parochial school, I say, what is wrong with that?

I am a strong supporter of public schools, but I must tell you that I reject the thinking that says there is only one way to look at strengthening education, that is that you can only push it in one direction. What this underlying bill does is to encourage people to save for education and then use their savings for education.

What I like about this bill is it does just that. It says, if you send your child to a public school, you can use this bill perhaps to buy them a computer. You can use this bill to get them tutors or to send them to a special after-school program or you can use this bill to buy their school uniforms. Or if you are lucky enough or want to send your child to a private school, yes, you can use this money you saved, or the child's grandparent or the child's aunt or the child's uncle saved, you can use that to educate this child.

In a country where public education and other education is weak, why wouldn't we want to encourage savings for education? In the first place, families can talk about it. "Oh, I'm going to contribute to a savings account for my granddaughter. And here's where it's going to go. And here's how it's going to be used. And when she needs it, here's what's going to be there." I think that is healthy for this country.

I commend both authors, both Senator COVERDELL on the Republican side and Senator TORRICELLI on the Democratic side. I think this is an important bill. The Joint Tax Committee has estimated that 58 percent of the tax benefit would accrue to those taxpayers filing returns with children in public schools. Fifty-eight percent would go to families who have children in public schools. So I do not believe this is a bailout for the rich. I do not believe it will help only the affluent.

In California, a high-cost State, the cost of a home mortgage, a car loan, insurance premiums, clothing, recreation, are all high. Believe it or not, families that earn $90,000 a year have a hard time saving.

In California, out of the 13 million tax returns filed, 10.4 million, or 78 percent, of these returns reflect earnings under $50,000. The average per capita income in California in 1998 is $28,500. Here is where the grandparents or an aunt or an uncle could really help out.

Additionally, one out of every four students in a California school lives in a single-parent home. Again, 25 percent of the students are in single-parent families.

I was in Los Angeles, meeting with a group of African American mayors of cities surrounding Los Angeles this past week, and a woman whom I very much respect from Watts, California, came up to me and said, "Hey, Dianne, tell me about this bill. Does this mean that if I can save this money, I can save it for my grandchild?" And I said, "Yes, Alice, it sure does." And she said, "That sounds pretty good to me." Well, I have to tell you, it sounds pretty good to me, too.

Only 51 percent of California's homes have a personal computer. Among Latino households, only 30 percent own a computer.

In my State, we rank 45th out of 50 in student-to-computer ratios, with 14 students for every computer, compared to the national rate of 10 students for a computer. We rank 43rd in network access. Our education technology task force has called for an $11 billion investment to put technology into K through 12 classrooms. Computers in the home can supplement those in the classroom. And this is a way for a grandparent, an uncle, a niece, to help with that.

Another important part of the Coverdell-Torricelli bill that no one is talking about are the incentives for college education. This bill helps in three ways. First, it increases the allowable contributions to education IRAs that we created last year for college education. It raises them from $500 to

$2,000. That is important in California because tuition is so high now, even in public institutions. This makes it possible.

Second, again, it expands those who contribute to include those other than parents. These changes should encourage many more Californians to save for a college education. I say let's try it. Let's watch it. Let's see what happens.

Finally, the bill allows interest earned in qualified State tuition plans to be exempt from Federal taxation. This could increase participation in California's new Scholarshare Trust Program. Effective January 1, 1998, this program authorizes participants to invest money in a trust on behalf of a specific beneficiary and it defers payment of State and Federal income taxes on interest earned, on investments in the trust, until benefits are distributed. Any California family or any person can open an account and distributions are authorized for all expenses of attending college. In the view of the Postsecondary Education Commission, the bill before us could enable Californians to save $25 million annually in Federal taxes, savings that can then be devoted to education.

Let me just indicate increases in college tuition are outpacing increases in income. Total expenses during the 1997–1998 school year to attend the University of California at Berkeley were $13,169—a year; at UC San Diego, $13,400; California State, Chico, $10,000. For private schools, the cost in 1996–1997 of attending my alma mater, Stanford, was $30,410—when I went there, we ran costs of about $1,200 a quarter. Now it is $30,000 a year; at Occidental, $26,000; University of the Pacific, $25,000.

California's public colleges and universities have been told to prepare for a 24 percent increase in enrollment by the year 2005, which translates into almost half a million additional students. The California Postsecondary Education Commission has predicted that our public college and university system will need about $1 billion in new revenues per year through 2006 to maintain existing facilities.

The PRESIDING OFFICER. The Senator from California has spoken 15 minutes. She can seek more time if she so desires.

Mrs. FEINSTEIN. This bill is not the end-all, be-all solution to the problems of our schools. But it is a good step.

It is my intention to vote against this bill at this time because of the two additions I cited earlier. If the Gorton and Ashcroft amendments come out in conference and the appropriate tax incentives to save for education remain, I will vote for this bill and I will vote to override a Presidential veto.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I yield 15 minutes to the Senator from Minnesota, Senator WELLSTONE.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 15 minutes.

Mr. WELLSTONE. The U.S. Senate is about to pass a bill that deals with education and then send it to the President.

Now, when I go back to Minnesota—and when I am in Minnesota I try to be in a school every 2 weeks—here are some of the questions that students might be asking me about this education bill.

"Senator," or "PAUL," will this legislation reduce the class size or the size of our classes so that our teachers will be able to give us more attention so we won't have to sit on a radiator because there is not enough room in the classroom?" By the way, I don't speak just for Minnesota but I speak for a lot of schools I visited in this country. My answer will be no, though I would like to be able to say to those students yes, because I know how important class size is to whether or not they receive a good education.

"Senator, will there be any money to renovate our school?" I was just meeting with a group of students from one of our schools, a middle school in Minnesota, the community of Cambridge. They were talking about some of the problems that they have. "Senator, will there be any money to rebuild our schools?"

Or as I think about some of the schools I visited around the country, and if I was talking to other children, they might be saying to me, "Senator, the roofs are caving in, the building is decrepit, the air-conditioning doesn't work during the warm spring months, the heating system doesn't work well during the cold weather months. Is there any money to invest in the infrastructure, because we don't have the wealth in our communities to do this?" My answer will be, "No, not in this piece of legislation."

"Senator, will this bill train teachers to use technology so they can incorporate that into their teaching—because we are hearing that it is so important for us to be technologically literate to compete in the economy. Will that happen?" And my answer will be no.

How about other people who work with children, people who are down in the trenches? This is their life's work. This is their passion. They say to me, "Senator, did you in this education bill put any money into early childhood development so that when children reach kindergarten they will be ready to learn?" And the answer will be no.

Then another question will come: "Senator, what about after-school care?" I think about the Boxer amendment. "Did you put any money into good community-based after-school care programs?" A lot of us with teenage daughters and sons worry a lot about where they are and whether or not there would be something positive for them to do after school. "Did you all do anything in this legislation to help us?" And the answer will be no.

Then to make matters worse, with some of the amendments that have passed, I heard my colleague from California speaking, now we have block grant amendments that passed. So as a national community, what we used to say was we are a nation. We do not want to grow apart, we want to grow together. We make certain commitments here in the Senate and here in the House of Representatives representing our Nation. We are a national community with certain values and priorities. By golly, one of them is title I. We want to make sure that children who come from families in difficult circumstances—low and moderate income and other problems—get some additional support, and our schools get some additional support so they can give these kids some additional help.

Now there is no assurance that will happen. There is no assurance that we will have the same commitment to safe and drug-free schools. We now have with this piece of legislation $1.6 billion or $1.7 billion—what we have done is not just a money issue. It is not just a lack of investment in crumbling schools. That is not there. It is not just the lack of investment in smaller class sizes. It is not there. It is not the lack of investment in enabling teachers to get more training for uses in technology. It is not there. It is not just a great step backward where we don't invest the money in public education.

I don't know what slice of the population we are talking about, but I will tell you there are not a lot of Minnesotans who can just take $2,000 and put it into savings. What about the vast majority of people who don't have those dollars, who are concerned about the communities they live in and the schools their children go to, public education?

This isn't a great step forward for public education or education for children; this is a great leap backward. Now we have done something else, I say to my colleagues who supported this initial framework. What we have done through amendments passed on this floor is undercut what has been a historic national community commitment to title I, to children who need that additional help. This is not a step forward; this is a great leap backward.

Mr. President, I will tell you, this piece of legislation is a piece of legislation that does not do well for many, many children in our country. We should be able to do much better. If we were to think about the best kinds of things we could do to make sure that children would do well, that we could have good education for all of our children, we would have put a lot of emphasis on smaller class size, and there

is no emphasis on it; a lot of emphasis on early childhood development, and there is no emphasis on this; a lot of emphasis on after-school programs, and there is nothing in this legislation; a lot of emphasis on rebuilding crumbling schools.

What kind of message do you think these children get when they walk into these dilapidated buildings? The message is that we don't value them. But there is nothing in this legislation that deals with that. Mr. President, what we also would have done is, we would have focused not just on the children, but we should be focusing also on the parent or parents. The two most important explanatory variables in determining how well children do are the income status and the educational status of their parent or parents. We don't put the emphasis on that. We don't put the emphasis on making sure there is health care there and good jobs and family income. We don't put the emphasis on smaller class size. We don't put emphasis on rebuilding crumbling schools. We don't put emphasis on preschool, early childhood development or after-school programs. What we do is undercut and wipe away a major commitment that we have made to the title I program and funds for kids from low- and moderate-income families.

This piece of legislation is not a great step forward; it is a great leap backward from a commitment to public education, from a commitment to children and families all across the United States of America, from a national commitment to making sure that we expand opportunities for all of the children in our country.

This piece of legislation doesn't do that. It may pass, but it will be vetoed by the President. And I will say to my colleagues that I am sorry, because I guess, with the exception of some Senators who have a different view, this is by and large a difference that we have on the two sides of the aisle. I look forward to this national debate. We will be debating education. In a way, this exercise—I would not call it meaningless. People spoke. But the truth of the matter is that everybody knows the President is going to veto this bill. He has made that clear. In that sense, all of us have felt a little uneasy about this week. But the debate will go on, because this issue of education, this issue of our children, whether our children will get good educational opportunities so they will do well in their lives—this is an important issue to families in North Dakota, Connecticut, Minnesota, and all across the country.

As a Democrat, I am telling you, we are going to take this issue out and about the country. We are going to have a discussion, dialog, and debate. This piece of legislation, especially with these amendments, represents a huge step backward, and I want people in the country to understand that on this issue, the differences between the Democrats and Republicans makes a huge difference.

I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. Who yields the Senator time?

Mr. LIEBERMAN. Mr. President, I have been authorized to confirm the time allocated to the Senator from Georgia, Mr. COVERDELL, and yield myself up to 15 minutes.

The PRESIDING OFFICER (Mr. COATS). The Senator is recognized for up to 15 minutes.

Mr. LIEBERMAN. Mr. President, I rise today to voice my support for the Parent and Student Savings Account PLUS Act, which I am pleased to join Senators COVERELL and TORRICELLI in cosponsoring, and also to urge my colleagues to give this bill a full and fair hearing before making up their minds on it.

The core of this legislation is similar to a provision that passed both houses of Congress as part of the Taxpayer Relief Act of 1997, but was stricken out before the President gave his final approval. The Taxpayer Relief Act authorized the creation of an Education IRA that would allow parents to set aside up to $500 each year in a tax-free account to help pay for their children's college education, a provision that I cosponsored. Senator COVERDELL succeeded in adding an amendment that would permit parents to also use this Education IRA to pay for elementary and secondary education costs, but that provision was ultimately dropped from the final version of the Taxpayer Relief Act at the request of the Administration.

The bill we are considering today, H.R. 2646, mirrors the modifying amendment that Senator COVERDELL offered. It would increase the annual contribution limit for the Education IRA up to $2,000, and then expand the definition of "qualified expenses" to also allow families to withdraw money from the account without penalty for K–12 expenses, such as tutoring, tuition, books, uniforms, computers and special services for disabled students. Like the original Education savings account, this expanded version would be targeted at the broad range of working and middle class families with dependents under 18 years old, limiting eligibility to those households with annual income of less than $160,000.

Judging this proposal on the merits, it makes eminent sense. At a time when parents are growing increasingly concerned about the quality of K–12 education their children are receiving and when many educators are trying desperately to spur greater parental involvement in their children's schooling, the expanded Education savings account would encourage parents to invest directly in their children's education, from kindergarten all the way through to graduate school, and take a more active role in the lives of their sons and daughters. And at a time when many parents are seeking more choices for their kids, especially for the students who are trapped in failing and unresponsive local schools, this bill would help make private or parochial school a more affordable option for those families who decide that is the best choice for their child, or in some cases, the only chance to get a decent education.

For the average family, this plan would provide a significant incentive to set aside some of their savings for the myriad costs they may face in helping their children reach their full potential, such as the after-school math tutoring an underachieving child needs to reach grade level, or the new computer a budding programmer needs to upgrade his skills, or the special classes a dyslexic students needs to take to overcome her disability, or even the price of tuition a family needs to pay to ensure that their child can learn in a safe, disciplined environment. According to an analysis by the Joint Tax Committee, if a family with annual income of $70,000 contributed the maximum each year to the expanded IRA, they would accumulate a savings of more than $17,000 by the time their first child was age seven, while saving $1,000 in taxes. By the time that same child was ready to start high school, the account would be worth $41,000, and the tax savings would top $4,300.

Those are significant sums of money, which could be used for immediate needs when children are growing up, or in many families, could be reserved primarily to help meet the financial burden of going to college. The choice is up to each individual family on how to spend their money—which is an important point to stress, that we are talking about after-tax income, not the "government's" money, not a tax credit or even a deduction. It is the parent's money, not the government's. The modest tax benefit we are proposing would simply reward them for saving for their child's future, which is exactly why we passed the original Education savings account with strong bipartisan support.

This is all reasonable and sensible, which leaves me puzzled as to why some are attacking this bill as if we were proposing to destroy public education in this country as we know it. Judging from the overheated rhetoric we have been hearing, this plan is little more than a backdoor attempt to funnel money into private schools at the expense of public schools and create a new tax shelter for the wealthy. It would "do nothing to improve teaching or learning in our public schools," in the words of one group; instead, it would "undermine support of public

education," in the words of the another. And a third organization seethed that this bill is really "private and parochial school vouchers masquerading as tax policy."

For those of us who have fought the school choice battles in the past, the nature and vehemence of these criticisms is familiar. Last fall, for instance, we called for the creation of a small pilot program here in Washington, D.C., that would have authorized $7 million to provide 2,000 disadvantaged children with scholarships to attend the school of their choice, without a dime away from the amount requested by the D.C. public schools. For that Secretary of Education Richard Riley, a man I truly admire, went so far as to suggest that our bill would "undermine a 200-year American commitment to the common school."

But what is surprising in this case is how utterly disconnected the current criticisms are from the bill we are considering today. Let's start with the fact that this measure does not remotely resemble a voucher or scholarship plan, nor does it target aid to private schools. This is a savings account bill, one that simply raises the contribution limit for the existing education savings account and gives parents the choice to use some of those savings for K–12 expenses. It is unequivocally neutral on its face—it does not distinguish between public school parents and private school parents. It is meant to help all parents, and the truth of the matter is that the clear majority of parents who are expected to take advantage of it—70 percent, according to the Joint Tax Committee—will have their children in public schools. To suggest otherwise is to ignore the growing variety of educational costs that many public school parents face these days, and overlook the tens of thousands of parents who are turning to places like Sylvan Learning Center to help improve their children's skills.

The critics of the education savings account legislation are also off base when they proclaim that it would do absolutely nothing to help public education. To see why, I would urge my colleagues on both sides to re-read the President's major educational priorities. Both the President and the Secretary have rightly argued that stimulating greater parental involvement is critical to reaching all seven of the Administration's top goals, particularly when it comes to improving reading proficiency. The Secretary believes it is so essential that he established a broad-based national initiative—the "Partnership for Family Involvement in Education"—to better engage parents. The bill we are debating today, H.R. 2646, will help by encouraging parents across the country to save for the future and take a more active role in their children's schooling. It will not singlehandedly raise test scores or prompt millions of new parents to join their local PTAs. But is will complement and reinforce the work that the Secretary and many national and grassroots education groups are already doing, and for that reason it is worthy of our support.

Perhaps the most vexing criticism of this super Education IRA plan is the notion that it will only benefit the wealthy. The language of the bill explicitly refutes that point, and I would urge my colleagues to read it for themselves. They will see that it precludes any individual parent with income above $110,000 or any couple above $160,000 from contributing to an expanded IRA. I would also urge my colleagues to refer again to the Joint Tax Committee's analysis of the bill, which projects that 70 percent of the tax benefit from the expanded IRA will go to families with annual incomes less than $75,000—middle class families. And I would urge them to consider the provision in the bill that allows any corporation, union, or non-profit organizations to contribute to IRAs for low-income students. The growth of donations to private scholarship funds across the country—more than $40 million has been raised since 1991 for programs in more than 30 cities, including one in Bridgeport, Connecticut—suggests that there are many generous groups who would be interested in lending their support to an Education IRS for a disadvantaged child.

Mr. President, in making these points, I harbor no illusions. I recognize that a relatively small number of poor families will likely benefit from the expanded IRAs, and that these accounts will primarily help middle and upper middle class families who have the means to maintain them. But that is a significant chunk of our populace, and most of them are financially stressed in trying to meet the costs of home, family and school. If this bill can spur them to invest in their children's education and generate parental involvement, then it will serve a valuable purpose.

Moreover, I would also say to my colleagues that if they truly want to target aid to disadvantaged children who are not being well-served by the status quo, then they should support legislation that Senator COATS and I have sponsored that would establish low-income school choice programs in several major cities. These pilot programs would give thousands of poor students the opportunity to attend a better school and realize their hopes of better future, while providing us as policymakers an opportunity to examine what impact this kind of narrowly-targeted, means-tested approach would and could have on the broader education system. Many of the supporters of the bill we are debating today also have expressed strong support for the Coats-Lieberman bill, so it's just not accurate to suggest that the sponsors of the education savings account legislation are merely interest in helping the well-off.

Nevertheless, the opponents of this bill continue to insist that we are wrong no matter what the facts say. Last year, many of my Democratic colleagues and many of the leading educational groups voiced their strong support for the original Education IRA as a boon to middle class families struggling to pay for college. Today they turn around and attack the same concept with the same income caps—let me repeat, the same exact income caps—as a sop to the rich. The difference, of course, is that parents would have the choice to use the savings from the expanded IRA for K–12 expenses for public and private schools students, or college or both.

That distinction is so significant to our cities that they are willing to eliminate the part of the A+ Accounts bill that would increase the contribution limit for the IRA from $500 to $2000, which would give millions of parents an even greater incentive to save for college, in order to prevent us from providing a modicum of relief for elementary and secondary costs. That facet of the bill has gotten lost in all the hyperbole of this debate, and it bears repeating: Beyond allowing parents to use the IRA to pay for K–12 expenses, this measure would significantly enhance their ability to meet the burden of paying for college. In fact, according to the Joint Tax Committee, the clear majority of the additional $1.64 billion in tax benefit that this bill would extend over the next 10 years would go to families who are saving for higher education, a very important purpose for them and for our country in this education age. That is something that the critics of this super Education IRA are reluctant to acknowledge. According to them, practically every last penny from this bill will end up in the coffers of private elementary and secondary schools. On the contrary, most of the money saved will go to colleges and universities.

Hearing these misdirected attacks, I can't help but ask why so many thoughtful, well-intentioned educational groups are engaging in so many logical contortions to bring down this bill. To answer that question, I would repeat the simple theory I offered last fall during the rancorous debate over the D.C. scholarship bill: Love is blind even in public policy circles. I fear that our critics are so committed to the noble mission of public education that they have shut their eyes to the egregious failures in some of our public schools and insisted on defending the indefensible. And they are so conditioned to believing that any departure from the one-size-fits-all approach is the beginning of the end

for public schools that they refuse to even concede the possibility that offering children a choice could give them a chance at a better life while we are working to repair and reform all of our public schools.

In this week's debate, we are seeing this reflexive defensiveness again. We are not discussing a voucher bill. We are not attempting to give nay Federal money to private schools. We are proposing a modest plan to help families—not public school families, or private school families, but families of all kinds—provide the best educational opportunities for their children. It sounds a lot like the G.I. bill or the guaranteed student loan program, which we all support. But because some parents who take advantage of these accounts and the small tax benefit we are offering will choose to send their children to private schools, this bill is seen as anathema by some.

Mr. President, as the consideration of this bill proceeds, I would appeal to my colleagues to lay down their rhetorical arms and listen—not to be bipartisan co-sponsors of the bill, but to the people we are trying to help. Yes, they want smaller class sizes, and yes, they want safer and sturdier public schools, and yes, they want better-trained teachers. But those are not reasons to oppose this bill. In addition to seeking more money to improve our public schools, parents increasingly are demanding more choices for their children—be it in the form of public school choice, charter schools, or scholarships for low-income kids to attend a quality private or parochial school. And they are seeking more of a focus on results rather than a defense of the system and all who function in it.

Poll after poll confirms this. For the sake of this debate, let me cite just a few. A recent survey by the Center for Education Reform found that 82 percent of parents said they would support efforts to give them the option of sending their children to the public or private school of their choice. A much-quoted study done by the Joint Center for Political and Economic Studies last year found that 57 percent of African-Americans and 65 percent of Hispanics favor the use of vouchers to expand opportunities for low-income students. And even Phi Beta Kappa, which is openly skeptical of private school choice, found in its annual poll on public attitudes towards public schools a slim plurality of Americans would now support a program using tax dollars to pay tuition at private school for some children. If my colleagues need any more evidence, I would point them to the mushrooming charter school movement, where parents and teachers hungry for alternatives to the status quo have started more than 700 new schools from scratch over the last five years, with hundreds more to open next fall.

The bill we are considering today cannot and will not guarantee greater choices for every family. But it does offer a progressive response to the public's pleas for innovative educational solutions that focus less on process and more on children. That, in my mind, is what is truly at stake here in this debate. We cannot walk away from our responsibility to fix what ails our public schools, to set high standards, and demand greater accountability in meeting them. But in doing so, we must not be so defensive in our thinking that we reflexively rule out innovative options that deviate a scintilla from the prevailing orthodoxy.

That is why I have urged my colleagues to give choice a chance. That is why I have urged this body to give charters a chance, which I am proud to report we did last year in raising Federal funding by 60 percent for this fiscal year. And that is why I am appealing to my colleagues today to give this Education IRA bill a chance. By doing so, we can prove that it is possible to encourage parents to invest in their children's future without disinvesting in our common schools. And hopefully we can begin to change the dynamic of what for too long has been a disappointingly dogmatic and unproductive debate on education policy in this country and lay the groundwork for a new bipartisan commitment to putting children first.

Mr. President, again, this bill is part of a host of responses to a reality to, I think, all of us here in this Chamber, which is that while we have many extraordinarily positive things going on in our system of education in this country, while we have tens of thousands, hundreds of thousands, of gifted and, I would say, heroically successful teachers, while we have excellent schools—public, private, and faith-based—in our country, the fact is that the status quo in American elementary and secondary education is not working for millions of our children.

The Senator from West Virginia, Mr. BYRD, spoke today with eloquence, with force, and with truth about the extent to which education, which has always been the way in which we have made the American dream of opportunity real for generations of our people, and which is even more necessarily so today because of the highly informational, technological age in which we live—how that ticket to a better life is being deprived to millions of our children today, who are going to school in buildings that are in shabby shape and schools that are unsafe—not only are the buildings unsafe, but it is unsafe to be there in many cases. Too often, they are taught—and I use the word advisedly—by teachers who are not prepared in the subjects that they are supposed to be teaching. Too many parents are wanting to help their children more, but they are too burdened economically to find a way to make that happen. Class sizes are too large, and professional development of teachers is not what it should be.

Mr. President, I view this A+ Act, these A+ accounts, as one thoughtful, progressive response to that problem. It is not the solution to the problems that face American education and our children today. The fact is that there is no one answer to those problems. And the shortcoming of the debate that we have had here and the political jousting that is going on here—too much of it partisan—is that this debate is being framed as if it were a multiple-choice question on an exam for which there is only one right answer. That is not reality. There is not one right answer. The underlying bill here—the A+ accounts—is a thoughtful part of an answer. Many of the amendments offered, such as one regarding school construction, and class size, and Senator BOXER's on after-school education, are all part of the solution. And there are other decent, constructive, thoughtful answers to the crisis.

I hope we can find a way—and I hope it is after we pass this bill, which I strongly support—to put aside the jousting and figure out a way to sit down together and find common ground that is aimed at benefiting the millions of schoolchildren in this country who are not being adequately educated today. That is going to require all sides to drop some of the orthodoxies, to drop some of the prejudices, to drop some of the political reflex instincts at work here today, and to go forward not to develop issues for the next campaign but to develop programs for the next school year for our children. That is the way I approach this legislation.

This is similar to a provision that passed both Houses of Congress as part of the Taxpayer Relief Act of 1997 but was stricken out before the President gave his final approval. The Taxpayer Relief Act did authorize the creation of an education savings account that would allow parents to set aside up to $500 each year in an after-tax account to help pay their children's college education—a provision that I was proud to have cosponsored. The income limits in that proposal were exactly the same as in the proposal before us today. That proposal enjoyed broad bipartisan support. No one called it a sop to the rich at that point, because it certainly was not. It was a helping hand to middle class families who are trying to send their kids to college to better educate them and to figure out how to do it without putting an enormous financial burden of debt on their backs.

Senator COVERDELL and Senator TORRICELLI have had the imagination to simply take that idea and increase the amount of money that could be put in up to $2,000, and make it, as the debate has made clear, applicable to elementary and secondary education as

well as college, and to make it available for use by parents for both public school students and for students of those parents who choose to send them to private or faith-based schools.

This bill could be called "the private GI bill." It is really, in principle, no different than the GI bill that is one of the great accomplishments of the American Government in the postwar period. I say "private" because the money isn't governmental, the money is the parents'. It is the families' own money that they put into the accounts. Then they decide how they want to use it to benefit their child's education and to put their child on a path to self-sufficiency in this technological information age.

Some people talk about this bill as if it were the beginning and the end for public education. How could that be so? This is the beginning of an assist to parents of working middle class families, to encourage them to save some money so that they can help us better educate their children. Our priority in this country has been and always will be public education. That is where most of our children will be educated. That is where most of our effort must be put. But the crisis that plagues too many of our schools today forces us to focus on results. What are the results of the education system? What are we getting for the money we are putting into it and not on protecting the status quo?

I view this not as a revolutionary proposal. Not at all. It is a modest, thoughtful, progressive, cost-efficient way to help parents better educate their children. Let's not forget that one of the elements of the administration's education program is to get parents more involved in their children's education.

I urge my colleagues on both sides of the aisle to reread the President's major education priorities. Both the President and the Secretary of Education have rightfully argued that stimulating greater parental involvement is critical to reaching all seven of the administration's very worthy, right on target, top education goals, particularly when it comes to improving reading proficiency. The Secretary believes it is so essential that he established a broad-based national initiative, a partnership for family involvement in education to better engage parents.

The bill we are debating today I am convinced will help by encouraging parents across the country to save for the future and to take a more active role in their children's schooling. It will not singlehandedly raise test scores or prompt millions of new parents to join their local PTA. But it will complement and reinforce the work of the Secretary of Education, the great work that he and many national and grassroots education groups are already doing. For that reason alone, to encourage more parental involvement in our children's education, I think this proposal is worthy of support.

Mr. President, as I see you in the Chair, the Senator from Indiana, it reminds me to make this point. Some have said that this bill is a sop to the rich because of the income limits. In my opinion, it is a helping hand to the middle class working families. The reality is that the poorest families in our country probably will not have the money. I hope they can find some to put into these tax-free education savings accounts.

But I appeal to my colleagues. If you really want to help give a boost to poor children, if you are looking for a program that targets aid to those who are most disadvantaged, please take another look at the low-income school scholarship choice programs that the Senator from Indiana and I have tried in vain to convince 60 of our colleagues, 58 besides ourselves, to support so we could at least give these programs a test. Those programs are totally means tested. There is no sop to the rich there—not even a helping hand. It is to the middle class and directed totally to the poorest of our citizens.

Mr. President, let me make two final points. I listened very carefully to my colleague and friend, the distinguished Senator from California, who is troubled by at least two of the amendments that have been put forward, both of which I voted against, one by the Senator from Washington and the other by the Senator from Missouri. Her decision, which I respect, is to vote against this bill because of those amendments.

My decision, because of my strong support for the underlying bill, the idea of these empowering education savings accounts, is to vote for the bill with the amendments, although I oppose the amendments, but to appeal to all of our colleagues who will sit on the conference committee on this measure to remove those amendments, to bring them back on another day, so that they do not jeopardize the enormous accomplishment that we can make by passing the underlying bill.

I want to say specifically with regard to Senator GORTON's amendment on block grants that he spent a lot of time on it and he did a lot of good work. It is a very thoughtful proposal. It is significantly improved—if I could use that judgmental term at least in my frame of reference—from the last time he presented it to the Senate. I know he has met with education groups about it. But the reality is, in my opinion, that it is too large a change. The underlying bill, that is significant, as I have said, is not revolutionary. Senator GORTON's amendment is revolutionary. I think appropriately it ought not to be passed after a brief debate as an amendment to another bill; it ought to be considered in the fullest of time next year, when the Congress will take up the reauthorization of the Elementary and Secondary Education Act.

The final point is this: I hope beyond the effort to take these controversial amendments off, which are guaranteed to bring a Presidential veto, that the conferees will break out of the tug-of-war mode that the two sides are in and see if we can't find common ground. I have great respect for the Senator from Georgia, whose imagination built on the education savings account, the bill we passed last year, and made it into this excellent A+ account proposal. I know he has not spent the time which he has, as well as Senator TORRICELLI and others, just to pass a bill that is vetoed by the President and nothing happens. I know him well enough to know that he is not looking—if I may speak directly—for an issue, he is looking for an accomplishment, as all of us are.

The PRESIDING OFFICER. The Senator's 15 minutes have expired.

Mr. LIEBERMAN. I ask my colleague from Georgia for simply an additional 2 minutes.

Mr. COVERDELL. I yield another 2 minutes to the Senator.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LIEBERMAN. I thank the Senator.

My appeal is that when this bill passes, as I am convinced it will, that the conference committee, or meetings outside the conference meeting, including representatives of both parties, both Chambers, and the administration, sit down together and see if we can't put a package together that includes these education savings accounts, the A+ accounts, and opens the door and includes some of the proposals that have been made by some of my Democratic colleagues in this debate and are favored by the administration.

I think that is the way to have the result of all of this debate this week to be more than noise and issues to carry into the campaign. That is the way to have this debate result in some real change, some real hope of reform in America's educational system, and, most specifically and in a more personal way, some real hope for a better future for the millions of children in America who are not being given that chance for proficiency because we are not giving them the educational tools they deserve.

I thank the Chair. I thank the Senator from Georgia.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield 5 minutes to the Senator from Georgia, Senator CLELAND.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CLELAND. Thank you, very much.

Mr. President, I would like to commend the senior Senator from Georgia, my dear colleague and friend, Senator COVERDELL, for his stick-to-itiveness in bringing this issue to the floor of the U.S. Senate. He has worked hard on the Parent and Student Savings Account Act. This bill is the product of many long hours of hard work and compromise and collaboration, and Senator TORRICELLI and other members of the Finance Committee deserve praise for bringing this issue to the floor.

I would like to state for the record that I had planned to support final passage of the Parent and Student Savings Account (PLUS) Act as reported out of Committee. In addition to the education savings account provision in the bill, H.R. 2646 contains a number of measures that further increase education opportunities for students, including the expansion of employer-provided education assistance to cover graduate courses, an allowance for individuals to make withdrawals from State tuition program accounts on a tax-free basis, and a provision providing an increase in the small issuer rebate exception for bonds used to finance school construction, all of which I strongly support.

And I also support the education savings account provisions, especially the expansion of the credit for savings for college education, which have caused most of the controversy on the bill. While the Parent and Student Savings Account (PLUS) Act as reported by Committee was a modest and moderate bill and certainly was not the final answer to the education problems currently facing our country, I believe that by making additional resources available for education this bill represented a step forward and I had every intention of supporting it.

Unfortunately, yesterday the Senate voted, by a one vote margin, to attach an amendment to this bill which I can not support, and which is neither modest nor moderate in impact. Senator GORTON's block grant amendment greatly concerns me and I believe that it is a risky experiment that will undermine the legitimate, but limited, federal role in support of public education.

Senator GORTON's amendment would block grant funds for about one-third of the programs administered by the Education Department including those for bilingual education, Title I programs which are targeted to poor, disadvantaged school districts, Safe and Drug-free Schools, and education technology. Some of these programs date back to the Eisenhower Administration. We cannot turn back the clock on programs such as these. The Gorton amendment will undermine the federal commitment to improve the nation's schools and opens the doors for abandonment of national commitments to disadvantaged and disabled students and other priorities established over the years by a bipartisan consensus in Congress.

In spite of the fact that this idea was first advanced many months ago when the Senate took up last year's education appropriations bill, no hearings have been held on this block grant proposal nor has there been any committee review of its impact. As I stated earlier, this amendment affects one-third of the federal education programs and would, in effect, radically restructure the administration of over $10 billion of federal education dollars. I believe that it is premature and irresponsible for this body to pass legislation that would make such sweeping changes to the federal role in education based on thirty minutes of debate.

As a strong supporter of state and local decision-making I fully support our current educational system which vests most authority for education at the level of government closest to students and parents, usually local school boards, with the federal role largely limited to the provision of supplemental financial assistance. However, I also believe that federal involvement, while limited, is necessary and that the Department of Education provides an appropriate oversight function to ensure basic educational standards, civil rights protections, program quality safeguards as well as overall accountability.

I realize that there are many problems with today's schools. Our schools and our children, unfortunately, mirror many of the problems of our times. Drugs, gangs and weapons have infiltrated many of our schools and are adversely affecting our children. Student educational attainment is too low in far too many of our school systems. Combating these problems will take the best efforts of parents, teachers, administrators and governments at the local, state and federal level.

In addition to Senator GORTON's amendment I also am very concerned about Senator ASHCROFT's amendment which will prohibit spending Federal education funds on national testing. I believe that voluntary national achievement tests will empower parents and local school districts to assess how well their students are performing. Such measures will give parents insight into how their children are doing and how well their children's school is doing. From the voluntary tests, we will be able to determine if a child needs help, if a class needs help and if a school needs help. In direct conflict with the bipartisan compromise on national testing so painstakingly crafted last year, the ASHCROFT Amendment will deny states and localities the right to utilize voluntary national tests to measure student learning and improve education so that all students will meet high academic standards, particularly in math and reading.

Again, I would like to reiterate that I would have voted for the Committee-approved version of H.R. 2646, which was a modest and moderate pro-education bill. However, due to the adoption of the block grant and national testing amendments, in my view the current version of this legislation does more harm than good and I cannot in good conscience vote for it.

I say to Senator COVERDELL, who has put in many, many hours on behalf of this legislation, if these objectionable amendments are removed in conference, and I hope they will be, I will be pleased to vote for the conference report.

I thank the Chair.

Mr. COVERDELL. Mr. President, I am going to yield to the Senator from New Jersey whatever time he will need, but I also take this moment to acknowledge the enormous work he has provided as a principal cosponsor from the beginning. He has been tireless, dedicated, thoughtful, and a great ally.

I yield to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. TORRICELLI. Mr. President, I thank Senator COVERDELL for yielding the time and for his very gracious comments and, very importantly for the country and for the States, his extraordinary leadership on this issue.

Mr. President, I will concede that when this debate began I believed we were entering upon something very important, that after years of fooling ourselves about the quality of education in America, the Senate was about to undertake a broad and comprehensive debate—indeed, a discussion that could last not simply for this year or this Congress but through the decade—about how we fundamentally reform education in America, a debate in which everything was relevant and all subjects and proposals would come forward but one, and that is the defense of the status quo, because if there is one aspect of American life today that cannot in its entirety be defended, it is the quality of education that we are giving our children.

The process of education in America today stands like a dagger at the heart of this country. It is time to speak the truth to parents and children alike, because it is not simply that the education of our country is not of a quality to compete, the problem is more fundamental—because many parents, working hard, paying their taxes, helping their children, believe they are being educated to world-class standards when they are not.

The simple answer to the question, what can be said about the future of a country where one-third of its students may enter the work force functionally illiterate, 40 percent of fourth graders

cannot meet minimum standards of math, 40 percent of eight graders cannot read at basic levels, the simple truth is a country that is teaching its children to those standards has a very limited economic future and cannot maintain its current quality of life or perhaps even social stability.

That is the sad truth about our country today. And so I believed that when Senator COVERDELL brought this legislation forward, we would be laying the foundation for an extensive debate about what we do about private and parochial schools, what we do about the public schools, that we would incorporate the best of President Clinton's ideas and that of the Democratic and Republican leadership and set out an agenda to carry us through the years in this great debate.

It was sadly, it appears, Mr. President, not to be. There are aspects about the Coverdell legislation that have been said so many times and yet it is as if those who do not agree simply do not want to hear. Among those, sadly, I must say, my friend and a man that I admire as much as any in this country, the President of the United States, Bill Clinton. I heard the President yesterday say this is another form of a voucher, it is support for the wealthy, it is an abandonment of the public schools.

It is worth stating one more time before this debate concludes so, no matter what the vote and however people may choose to cast their votes, we understand the simple truth. No one ever contended that the Coverdell legislation was an answer for every problem of education in America. If you are voting for it because you believe in one vote you solve all problems, you will not only be disappointed but you will be dishonest in casting your vote. It is one idea to deal with one set of problems. It does these things. But not as its critics have contended.

Last year this Senate voted to establish savings accounts for college educations. In that instance, as on this day, we did not want this benefit to go to the wealthy alone. With limited resources, we wanted this benefit to go to middle-income people and working families. So we established income limits, $160,000 for a family, $110,000 for a single parent. Those are the same limits that are in this bill. If you came to this floor last year establishing savings accounts for college, believing you were targeting these resources to the middle-income people—and you did—on this day you have the same chance with the same limits of providing the same opportunity to the same families. This is a middle-income program. Yet it is argued this is just another form of a voucher.

Senator COVERDELL and I differ on the question of vouchers. He supports them. I do not. In either case, this is not a voucher. A voucher is a system whereby you take a drawing right upon Government money and you transfer that money from a public school to a private school. Under the Coverdell proposal, all the money being made available is your money. It is a family's savings, not the Government's. The public schools will not receive one dime less, not one dime less because we establish these accounts. All we are using, or allowing to be used, is the family's own money.

At the end of the day, as Members of the Senate come to this floor to cast their votes, the issue is really more simple than it might otherwise appear. Senator COVERDELL's proposal will provide a net increase over these years of $12 billion in new resources for American education, public and private. Who among us, knowing the test scores of our students, the quality of their instruction, the challenge to our country, would argue that this $12 billion should not be made available when it draws nothing from the Treasury, puts no restraint upon our resources, but simply allows families to join the fight for a quality education?

Now the question arises, of that $12 billion, what else does it bring? Because, you see, not only is it not drawing upon Government resources but it draws upon another powerful idea. Through most of the life of this country, the education of a family, a child, a whole generation, was not seen as the responsibility of a school board or a government alone. It was grandparents and aunts and uncles, employers, a whole community was part of educating a child. Somehow, through the years, education became a government issue alone. The government will always be central to education, in raising the resources and hiring teachers and assuring quality, but part of the genius of this proposal is that through these savings accounts, on every holiday, on every birthday, on every occasion, aunts, uncles, grandparents, employers, labor unions, churches, can also put their money in these accounts to help educate these children. It is an invitation to the American family and community to get back into the process of educating American children.

Yet, it is argued, those who may now concede maybe it doesn't just go to the wealthy, and maybe after this final argument they will concede maybe it is not government money, maybe it doesn't hurt the public schools—but what does it do for most American students who have these accounts? It bears repeating, because it goes to the heart of the issue of educational quality. I hope these accounts allow us to maintain a system of private education—be they Yeshivas or private or parochial schools, so parents have a legitimate choice of where to send their children. That choice and that competition has served America well in every other aspect of American life. I doubt it is a complication and I doubt it will fail to provide quality in education, as it does in all other areas of American life.

But the fact of the matter is, too, these accounts are not just about maintaining a private school system in the country free of constitutional challenge by not using government money. The simple truth is, 90 percent of the students in America go to public school. We cannot begin to deal with issues of educational quality unless we also deal with public schools. Simply because most of these students go to public schools, by logic most of this money will go to public school students. The Joint Committee on Taxation has informed the Congress that 70 percent of this money, 70 percent of the beneficiaries of this money, will be public school students. Because under the proposal of Senator COVERDELL, this money is available not simply for tuition to private schools, but after-school activities: Transportation after school, the hiring of tutors, home computers, books, software.

It is an acknowledgment that education in the 21st century is not any longer just about a teacher, a desk, and a student. Learning will take place throughout the day, throughout the year, in many avenues of learning. How many middle-class and working-class families in America can afford to buy home computers, pay the cost of hiring a public school teacher to teach in the evening or after school when a child is having trouble with her studies? How many can buy the software so a student can do the research? How many can afford the after-school transportation, the uniforms, the athletic equipment, things that a generation ago as students we took for granted? They are not available anymore. Or they weren't necessary then, like tutors or home computers. But they are necessary now.

For those who come to the floor and argue about the social justice of it, whether or not this is being made available to the broad majority of Americans, consider this. There is a new dividing line in America of opportunity and it is access to knowledge and education. Mr. President, 60 percent of American families do not have home computers. Their ability to research, to write, to learn when they are not in school, to be competitive, is being compromised. Public education, the great leveler in America, can have two tiers—those families who have money for these ancillary purchases and those who do not; those who can afford tutors and those who do not, to participate in advanced math and science.

Under the Coverdell proposal, these accounts are available to ensure that those 60 percent of Americans who do not have access to this technology can buy it through these accounts. Indeed,

it is worse than it appears on its face. In the minority communities, 85 percent of African American families do not have access to home computers. This is an opportunity, it is an avenue where many of these families—admittedly not all—many families can save their own money to prepare their students.

Yet it will be argued by people of good faith who genuinely care about education, who will come to this floor and argue that, well, it may do those things, some students in the public schools may get home computers, some may get tutors, and in the private schools some working families may be able to keep their children in schools who couldn't do it otherwise, but it won't help everybody, it won't help a third of the students, 20 percent of the students, 10 percent of the students. They could not be more right. I have not heard Senator COVERDELL argue, and certainly this Senator has not argued, that this is a prescription that will help every student in every way in every educational problem in America.

I challenge one Senator to come to this floor with one idea that will do that. This is a single idea, not the last idea. It may not even be the best idea, but it is an idea that does help the problem of education in America. Let me address that for a moment, if I can, frankly in a partisan sense.

For many years, members of my party proudly have been able to contend that the issue of education in America, in access and in quality, belonged to the Democratic Party. Indeed, from student loans to student lunches, title I through the vast array of 40 years of education programs, much of those programs were authored by Democrats in this Congress. It is one of the things that led me proudly to be a member of the Democratic Party.

But if at this late date in our Nation dealing with our education problems we are about to engage in a partisan competition, if there is to be an upward spiral of competition in ideas for who can serve the cause of quality education, then it is a debate not only worthy of the country, but important for our future.

Education savings accounts need be neither a Republican nor a Democratic idea. Last year in establishing such accounts for college, they were authored by President Clinton himself. This year, Senator LIEBERMAN, Senator BREAUX, Senator BIDEN, myself, and others have joined in this effort with Senator COVERDELL to establish these accounts. This does not mean that we subscribe to the notion that this is a replacement for either the President's program or other proposals. Indeed, I began my remarks today by stating some profound disappointment. This legislation is worthy of being passed. It would be better if Senator CAROL MOSELEY-BRAUN's legislation for school construction were included. With two-thirds of American schools in fundamental disrepair, needing serious construction, the Federal Government should be involved, and the President's proposal, as advanced by the Senator from Illinois, should be included.

Senator KENNEDY's proposal, in advancing the proposal of President Clinton for 100,000 new teachers to reduce class size to 18, should be included. Senator LEVIN's proposal for technology training for teachers would better prepare our schools and should be included. Senator MURRAY's proposal for class size; Senator BOXER's proposal for after-school activities.

I am going to support Senator COVERDELL's proposal, because I believe it is a worthwhile contribution, but I also concede this: This Senate could have done better. We may be addressing one important proposal and making one valuable contribution, but we could have made many valuable contributions. We could have made this genuinely bipartisan and further advance the cause of quality education.

Finally, let me say that on this day when the vote is complete, I will join with Senator LIEBERMAN, Senator CLELAND, Senator BREAUX, and others in a letter to the majority leader, because it is still not too late to have this educational debate be genuinely bipartisan to avoid a confrontation with President Clinton and to achieve something real in the process of education reform.

The majority has the power in the conference committee to maintain its provisions to eliminate voluntary Federal testing standards across the country. The majority will have the votes and the power in the conference committee to impose block grants on the Department of Education under the title. That power exists, but it will not lead to the cause of bipartisanship or more comprehensive education reform. It will ensure a Presidential veto, frustrate those of us who have fought for education savings accounts, and deadlock this Senate in further consideration of improving educational quality in the United States.

I urge the majority leader in the conference committee to use his influence to have those provisions removed, to allow Senator COVERDELL's proposal to stand on its merits in which we can privately engage in a conversation with the President and convince him in one of the great ironies of this debate. Senator COVERDELL's proposals are not only consistent with President Clinton's goals for education in America, they, indeed, spring from the same roots as his own programs last year for college education.

Finally, I want to state my great admiration for Senator COVERDELL, his tenacity and his creativity in having brought the Senate to this point. I know he must share my disappointment in that all of our optimism for bipartisanship, our hope for a thorough educational debate in which we could have engaged in a competition of how together we could improve the quality of our schools rather than having sought partisan advantage—it has been a disappointment, but we make progress where we can, remembering Edison's words that discontent is a necessary element in progress. We have had our share of discontent. Senator COVERDELL, in the passage of his legislation, will at least have a share of progress as well.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I thank my colleague. I appreciate his eloquence. Again, I extend my thanks for his dedication and just tenacious strength in terms of promoting this legislation. I listened intently to his description of the circumstances, and I applaud his moment here in the Senate. Thank you.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield 10 minutes to the Senator from Massachusetts, Senator KERRY.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I thank the Senator from North Dakota.

Mr. President, I listened carefully to the debate, as we have called it, over the course of the last few days, and to the comments of the Senator from New Jersey. I regret to say he is correct in saying this could have been a great debate, but it wasn't; this could have been a great bill, but it isn't.

The truth is that over the course of the last days, the Senate has fundamentally avoided a real discussion and a real engagement on the subject of American education. What has happened essentially has been a very partisan and very political exercise. I do not believe that was the design of the Senator from Georgia, and I know it is not his fault. But I regret that, as I am sure he must regret it, because we know this is a bill that, in its current form, is going to be vetoed by the President of the United States, and I believe it ought to be vetoed by the President of the United States.

I have previously said on the floor of the Senate that I do not think the idea of savings accounts is a bad idea, and there are ways to construct a savings account that makes sense. But if the Joint Committee on Taxation tells us, even though you can distort the figures and say, "Well, X percentage of this is going to go to people in public school,

yes, it is going to go to families whose kids are in public school"—it is still the high-income earners in America; the fact is over 70 percent of the benefits of this are going to go to the top 20 percent of income earners. You cannot rationalize that by saying, "Well, 48 percent of it is going to go to public school people and 52 percent is going to go to private school people." The 48 percent of public school people who are going to get it are not the people who most need it and not the people, generally speaking, who reflect the crisis of our schools.

I come to the floor perhaps from a different place than some of my colleagues, because I am prepared to say the public education system of this country is fundamentally imploding for a lot of different reasons. There are wonderful bright spots, so-called blue ribbon schools. We can go out, pin them up and award benefits to "Teacher of the Year" with salutations in Washington—and they are marvelous teachers, extraordinary teachers, as are the vast majority of teachers in the system. But no one can deny the hard realities of what we know is happening in the system.

When you look at the fact that 2.6 million kids graduated from high school a couple of years ago, and fully one-third of them graduated with a level of reading that was below a basic satisfactory reading level and only 100,000 of the 2.6 million had a world-class reading level, how can anybody in their right mind sit there and defend that system?

The Brookings Institute recently released statistics that show a very damning reality with respect to the number of people who are teaching in their fields, so to speak. The number of teachers in our public school system who are actually teaching math who majored in math or are teaching science who majored in science is deplorable. It is extraordinary.

It is no wonder that all across America we have parents who are desperate about the situation, who are trying to find ways to vote with their children, in a sense, by taking them out of the public school system and putting them into parochial school, teaching them at home, or putting them into a charter school and hence there is an enormous surge in America among our parents looking for safety, looking for a sanctuary for their children, looking for the certainty of adequacy of education.

Everybody in the U.S. Senate ought to admit that. But having admitted it, the question is then, what are we prepared to do about it? What we are doing here has the potential to, in fact, undermine the capacity to fix the places where 90 percent of the children of this country go to school. Ninety percent of the children of this country are in public school today. But 90 percent of the benefit of this bill does not go to public schools. A minimal percentage of the benefit of this bill is going to go to the people who most need it, in the places that they most need it, for the reasons that they most need it.

It is not enough to talk about putting more teachers into our classrooms if the teachers are not the right kinds of teachers, if the teachers do not get paid the right amount of money, if you cannot attract the right kinds of teachers because you do not pay them the right amount of money, if you do not put them in a school situation where there is the minimal level of safety so they can function in a way that does not put them at jeopardy, at risk of life and a whole lot of other things that are part of the problems in the public schools of America. We have a lot of people who are prepared to abandon that because of those problems rather than try to fix those problems.

But you cannot build enough charter schools, you cannot provide enough vouchers to save a whole generation from the current crisis of education in this country for that 90 percent of our kids who are in public school. You cannot do it. And what this bill amounts to is a Band-Aid, a tiny little Band-Aid on a system that needs triage, a system that is basically floundering, but part of the reason that it is floundering is because this is what we do.

We come to the U.S. Senate and we do not debate the real problems of how you turn this system around. What do you do in a school that is floundering in the inner city where parents do not have the options of a private school, where there is no place to take their voucher, where there is no place for them to somehow find a place that is a sanctuary for their children? Do you abandon that school?

Well, the Senator from Illinois tried to come in here and say, "Let's not abandon that school. Let's provide the resources to guarantee that that school can be fixed up and decent." What did we do? The U.S. Senate rejected that. The U.S. Senate is suggesting that it is OK to help those people for whom a tax benefit is a benefit, and if you do not get the benefit of the tax benefit, too bad. Sure that is going to save some kids. I do not deny that. That is really nice for people who can take advantage of that benefit. But what about all the rest of the people who are stuck in that system who do not even have a way of filing a tax return and getting a tax credit, don't know anything about an IRA, can't put away enough money to have an IRA or who are stuck in a system, as they are in Washington, DC, or elsewhere, that just does not function?

I am going to be the first person to say that we have to talk differently about the whole education system. We have to talk differently on our side of the fence about the things that we have been stuck in the cement on ideologically, about things like tenure and a whole lot of other third rails of American politics.

And we also have to ask our friends on the other side of the aisle to face the reality that those 90 percent of our children who are stuck in those public schools desperately need us to help them have schools that function, that do not freeze them out of the classroom or bake them out of the classroom, to give them the opportunity to be able to learn, and that learning is a function of a whole bunch of things.

Every blue ribbon school I visited, the first thing I have noticed is, boy, do they have a wonderful principal. And almost without exception, that principal is operating outside of the normal workings of the system. They work to deal with the school committee. They work to deal with the parents. They work to deal even with the union, and teachers can be moved when they need to be moved. And, by God, you get a school that works all of a sudden.

What we ought to be talking about is how we make every public school in the system fundamentally a charter school within the system. We could do that if we really wanted to. We could do that if we were not stuck in this sort of, gee, we are going to fight for vouchers, and we are going to be over here, and we are going to protect the people who do not like the vouchers, and, by God, we are going to talk past each other in the most important debate that this country has faced. That is what we are doing.

This is the single most important subject in front of the country, because we have kids who come to school today in the first grade who do not even have the capacity of a first-grade level to read numbers, to repeat colors, to recognize shapes. And that is where the problem for our teachers begins, with a whole different set of children. People who sit there and say, "Gee, our school system ought to be the way it was with the little red schoolhouse," are not willing to acknowledge that we are living in a very different world.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DORGAN. I yield 4 additional minutes to the Senator.

Mr. KERRY. I thank the Senator.

The PRESIDING OFFICER. The Senator is recognized for an additional 4 minutes.

Mr. KERRY. The problems that our teachers face today are different from anything that ever existed previously in our lives. Kids come to school with different baggage. And teachers are expected to perform a whole set of functions which they are not able to perform, which they have not been trained to perform, and in many cases which they are simply not allowed to perform because the political correctness of the

school system or the political correctness of the school boards, and the politics of it, deny them the ability to be able to do the things that you can do in some of these other schools.

I think people who are looking to those other schools, for example, are right. They are right. You have to look around to where education is really happening. You have to look to where kids are coming out with higher test scores, with better values, with a better sense of discipline, with a sense of order, and with opportunity in their lives.

But why is it that we are incapable in the Senate of finding the ability to look for the common ground where we could find the best of what happens in parochial schools, the best of what happens in charter schools, the best of what happens in blue ribbon schools, and make it happen in all of our schools?

We did not try in this debate, in my judgment, because I think the Senate was busy talking past each other, creating a lot of 30-second advertisements for campaigns and fundamentally setting up a structure where the kids are once again the victims of our unwillingness to meet these issues.

We need a lot of fundamental reform in our school system, and I will speak considerably to that over the course of the next weeks. But I regret that in the course of this debate good ideas were left languishing.

Let me give you an example. There was one amendment that passed by 63 votes which provides incentives for States to establish and administer periodic teacher testing and merit pay programs. I am for that. I voted against it though. Why did I vote against it? Because it takes the money from teacher training programs for the very people who are trying to improve, who are in the system today, who have to have ongoing efforts in order to meet the standards that we want them to meet.

So why could we not guarantee at least that we would protect the current structure sufficiently and find the capacity to provide the merit pay and have the testing? And I think that what has happened generally here is the process of robbing Peter to pay Paul, because we are unwilling to acknowledge the size and complexity of the overall reform effort that is necessary.

My hope is we will come back to this effort after the President has gone through his effort. Or perhaps the conference committee will totally rewrite this with a miracle. My hope is we will come back and write a bill that will adequately reflect the full measure of reform that is necessary and, most importantly, the full measure of commitment to the public school system of this country.

My friend from New Jersey said this is not a voucher system. Well, it is not. It is not a direct voucher system. But you cannot tell me if 52 percent of the benefit goes to people in private schools and all of a sudden they are getting $2,000 instead of $500, that that will increase support for the public school system when they now have increased dollars in their pocket to send their kids to more private schools. It is a backdoor voucher system. It is providing a savings account that, in effect, has the impact of a voucher system because it strengthens parochial and private at the expense of the public school system and diminishes the base of support, the foundation for that system.

I will vote against it. I hope the Senate will come back to have a real debate on education in the future.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, in a moment I will yield to the Senator from New Hampshire, but I do want to point out to the Senator from Massachusetts that so far, until we hear from Senator GREGG, the Senators who have come to the floor to speak about the education savings account in a favorable forum were Senators BYRD, FEINSTEIN, LIEBERMAN, CLELAND, and TORRICELLI—all Democrats. Despite the difficulty we have had, this has been a very significant bipartisan debate—not as partisan as the Senator characterized.

We will next hear from the first Senator on our side of the aisle in support, No. 1.

No. 2, you are right when you say these statistics are befuddling. But at the end of the day, over a 10-year period over $10 billion gets saved in these accounts. Half goes to children who are in public schools and half goes to children in private. The construct of who benefits is identical, to the exact same people who were defined in the education savings account that the President and we adopted last year. It is identical. It is the same targeted community, same targeted community.

The point that neither one of us can really settle, I believe it is statistically insignificant, the number of people —there will be some who will change schools because of the savings account. I think it is very limited. In other words, the reason that half this money—they represent a third of the people, but half the money in private, is because those folks are already paying the public school system and they know they have a higher tuition, so they save more.

In that sense it skews 50/50. But it is still $5 billion going to public schools and $5 billion going to help students in private.

Mr. KERRY. Will the Senator yield?

Mr. COVERDELL. I yield.

Mr. KERRY. That is exactly what I said in my comments: 52 percent versus 48 percent. That is almost even. But when you take that 48 percent and look at their income levels, you have the largest percentage——

Mr. COVERDELL. Those are the same income levels as set in the IRA for higher education which has been celebrated by both parties and the President.

Mr. KERRY. A second point is most of those people are putting away for higher education because they have no place to put it in terms of the public school unless they might choose to spend it on a computer or something, but there is no proof they will do that. There is no proof here as to how people will be able to spend their money. I will not get into how you go down that road.

The underlying component of this that is so disturbing, after you finish that analysis, is this, and I think the Senator from Georgia will have to acknowledge it. You are still leaving that vast 90 percent out there, most of whom in the worst situations are stuck in situations where this will not improve their lives, their education, their capacity to move forward. That is the great dilemma that so many of us have with this.

As I said, I like savings accounts. I want to vote for a savings account. I cannot do it in the structure that has been put in this bill. That is my regret.

Mr. COVERDELL. I would like to come back to it. I did want to respond to the Senator. I appreciate the Senator giving me an opportunity to respond.

I now yield up to 15 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized to speak for up to 15 minutes.

Mr. GREGG. I thank the floor leader, and I wish to congratulate the floor leader for his excellent work in moving this bill forward. This is a very important piece of legislation for improving the quality of education in this country, and specifically for empowering parents to have more of a role in choosing how their child is educated and being sure their children have the resources to obtain the type of education which parents want for their kids. It really is not a radical idea. It is a very reasonable idea. So reasonable it is hard to understand why there would be opposition to allowing parents to be able to save more, to use that savings for the benefit of their children, to educate their children. So I certainly congratulate the Senator from Georgia for his excellent work in bringing this legislation.

I wanted to speak on a couple of specifics and then generally on the bill. There was an opportunity which I was going to undertake, along with Senator GORTON, to offer an amendment to try to clarify some of the issues relative to IDEA, especially in the questions dealing with the teacher role, in dealing with children who have special education needs but turn out to be violent.

We did pass the IDEA reauthorization bill last year, which I worked hard on. I was proud to participate in it.

Unfortunately, the Department of Education has not followed the rather explicit instructions from the Congress on how regulations should be issued under this bill. As a result, the question of how we deal with the school situation involving a child who is a physical threat to other children in the classroom and to the teacher has not been properly addressed. My amendment would have addressed that. It was an amendment which I worked on. Senator GORTON was the prime mover of such an amendment earlier last year, although it was the same amendment.

The issue here, of course, is making sure that such language, should it be brought forward, does not allow school systems to in any arbitrary or capricious or inappropriate way bar the special-needs child from the classroom. That would be absolutely unacceptable.

I headed up a school that dealt with special-needs children, and I understand, I think, this issue as well as anyone who is addressing it here in this Senate. I am very sensitive to the importance of making sure that nothing happens which would undermine the capacity of the child who is mainstream, and who is gaining from that mainstream experience, to receive that experience they have under the law.

There is also a need to address the fact that in instances of true physical violence, teachers, principals, other children in the classroom, find themselves sometimes put in a position where they have no way of adequately dealing with a child who is a physical threat to them. In fact, there have been a lot of instances which reflect this problem.

Without the Department of Education addressing the issue, which it should have addressed, it is probably going to be appropriate to address the issue in some other form such as this. We decided not to move forward on that because we did not want to complicate this bill any further than it had already been complicated, and therefore we—Senator GORTON and myself—reserved our amendment on that point.

I must say, the special education community, which I have worked with rather aggressively over the years—I have been probably their greatest champion on a number of issues, specifically on getting funding and on working on the last bill—has reacted, I think, overreacted to the proposal. They did not see the proposal. They simply characterized it and went forth to inform their constituency—misinform their constituency would be more accurate—as to what it would have done, which is ironic and inappropriate considering the support I have given that community.

On the second point, which was the number of amendments which we saw here which were an attempt to basically move dollars from this COVERDELL approach from the A+ plan into special education, a number of amendments were brought forth, and specifically the Dodd amendment, which I wanted to address because I didn't have a chance in the 15-minute limitation of time to respond on these points. I have led this fight in the Senate now for 3 years—well, actually since I got here, but I have actually been successful over the last 3 years—to try to increase funding for special education. The Federal Government made a commitment that it would do 40 percent of the cost in special education. When I arrived here, having served as Governor, that commitment was not being fulfilled. In fact, the Federal Government was only doing about 6 percent of the cost of special education.

The fact that the Federal Government was failing to do its share of special education costs was having a disproportionate and unfair impact on the local school systems, and it was especially, in my opinion, putting the special-needs child and the parents of the special-needs child in an untenable position in local school board meetings, where they were being looked at as siphoning off resources from other activities of the school systems. They had every right to those resources, but unfortunately because the Federal Government wasn't paying the cost of that education, those resources had to come from other places. So the Federal Government has been totally irresponsible in this area of funding special education.

As a result of my efforts and the efforts of Senator LOTT, first we passed a commitment to fully fund special education to 40 percent, and we followed that up with making the Budget Act make that statement, and followed it up by having the first bill put forth by the Republican Senate being S. 1, a commitment to full funding for special education. Then we followed all those words up with hard dollars. Two years ago, we increased the funding of special education by almost $700 million. We followed that up with another almost $700 million—I think it is over $700 million in the first year. We have dramatically increased funding in special education, not as far as we need to go, but we have done that. The Republicans did that. We had no support from the administration on this initiative and only marginal support when it came to the actual votes on those budgets from the other side of the aisle on this initiative.

So we have a track record of having delivered on this issue. The great irony here—another great irony—is that the amendments brought forth by the other side of the aisle were paper amendments meant to paper over, I think, the irresponsibility of this administration and the other side of the aisle on the issue of special ed because, once again, just a few weeks ago when we passed the budget in this body, we saw that the administration and the other side of the aisle were not willing to put their name on the line on the cause of special education and funding special education.

The Republican budget increases special education by $2.5 billion. I don't think any Democrats—or maybe one or two—only a small number of Democrats voted for that budget. The President's budget that was brought forward and voted on in committee increased special education funding by a measly $35 million—$35 million. That was basically a nonexistent event that would have probably been used for administrative overhead down at the Department of Education. That $35 million probably would never have seen the light of day in any school system.

So we made the commitment, and when it came to casting the vote, we cast the vote to increase special education funding. Now this cause has been taken up by the Speaker of the House, who talked about this, and the chairman of the House committee on this issue, and again the majority leader is aggressively pursuing it as well as myself. We intend to fulfill our obligations for special education funding as a Congress under Republican leadership.

So when we saw these amendments coming at us, we had to almost smile at the political grandstanding of it because that is what they were, just political grandstanding. If those folks really want to fund special education, we are going to give them the chance to do that. We are going to be bringing bills out here that do that. I wish they had been there on the budget amendment. Please take those votes and those amendments for what they were, which was trying to paper over their own lack of effort in this area in the face of what was a hard action on our part of delivering hard dollars out to the school systems for assistance to special education.

On the bill overall, what we have here is a choice between the status quo—and I have heard basically almost an unlimited defense of the status quo from those folks who oppose this piece of legislation—and people who want to empower parents to have more of a role in the education of their children. Now, I know that money is a factor in education. We all know that. I know that the building is a factor in education. I know that the number of kids in a classroom is a factor in education. I will tell you something. In my experience, and I think probably in the experience of anybody who is going to be honest, the single most significant impact on a child's education is the parental involvement and the parental activity. What this bill does is it brings the parents into the process more aggressively. It gives the parents a new

tool to be able to help their children out as they try to move through this maze of education which we thrust at them.

Why would we not want to do that? Well, I can't think of any reason. This is a parent-empowering amendment and proposal. The opposition really comes from people who seem to think that this threatens the status quo. That is where the opposition is coming from. They see this as a threat to some structure that presently exists out there. That has been the basic underlying theme of the opposition. Well, is the status quo so good? Is it so extraordinary and doing such a wonderful job that it should not be shaken a little bit? This is not a big shaking up; it's just sort of a little vibration. I am not sure this would appear on the Richter scale, but it is a significant and good step. It is a good step, but it is not a dramatic shaking up of the status quo. I can think of some things we should do to dramatically shake up the status quo, and hopefully we will. But this is a step in the right direction. It is a parent-empowering step, confronting the defenders of the status quo on education.

I have to tell you, the status quo in education isn't cutting it. We know that as a society. Parents know it. Businesses that are trying to hire people coming out of our educational system know it. Regrettably, the world is seeing it. We have gotten to a point really where, in many instances, in many of our most cutting industries that are producing the jobs in this country, they are having to hire people from outside of the country because they don't have the educational expertise to do it, or they don't have enough educational expertise in this country. So the status quo is not working. We need to take some new, original approaches. Clearly, the proposal before us, the A+ accounts, is an attempt to empower parents to do something, to give parents an opportunity to do something to help their kids get a better education. What an appropriate purpose that is.

We had a whole series of amendments and other ideas on how we should improve education. We had an amendment to build more schools, an amendment to change the teacher ratios, and an amendment to do after-school planning. These were all nice ideas, but they don't belong in this body. These are ideas that belong in a school board meeting. If these Senators want these ideas to move forward, they should go back home to their school board meeting and suggest it. These are local control issues. We should not be taking resources out of the local community, sending it to Washington, draining it off from the one program in Washington that we are not funding, which is special ed, which should be funded, and sending it back to the community and say that they have to do this or that with those dollars. You have to build a building, or you have to cut down your class size, or you have to do an after-school program with those dollars. That is a local control issue. That is where it belongs, in the local school board. They make those decisions.

Let's give the local communities the flexibility to have the resources, and let's give them the resources to have the flexibility to make decisions as to whether they want a new school building or new art course or a foreign language course, or whether they want a new teacher who teaches some sort of high-grade technical computer science.

The local school board knows best on that. But for us here in Washington to basically be taking the resources out of the local community by not fully funding special education and then telling the local school board that we are going to send the resources back covered with strings and directions, and, by the way, all of the things the local school board traditionally has control over, but we decide to take them over in Washington because we know better than you do. It is absurd. But it is classic Washington. I am glad that all of those items were defeated because they should have been defeated. Let's defeat them and send them back to the local school board.

Again, I congratulate the Senator from Georgia. He has brought forward a concept and an idea that is going to empower the parents to be able to help their kids get a better education. I cannot think of any better sentiment or any better purpose for any bill. I look forward to its final passage.

I yield the floor.

Mr. COVERDELL. Mr. President, I appreciate very much the remarks of the Senator from New Hampshire. He was for a long time a Governor, and he is someone who understands the issues very adroitly. I appreciate very much the comments he came to the floor to make this evening.

I conferred with the other side. Senator GORTON has another calendar event that he needs to attend to. So we will turn to the Senator for up to 10 minutes.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Washington.

Mr. GORTON. Mr. President, I am given to understand from the debate on the floor this afternoon that I have made many new friends along with the Senator from Georgia. Senators on the other side of the aisle who were totally unable to find a good word for his bill over the course of the last month or two have suddenly said how desperately they wish to vote for his bill if it were not for the Gorton amendment having been added to it.

Mr. President, the Gorton bill basically takes $10 billion a year of Federal money for our public schools, of which about $2 billion is used by bureaucrats today, and says that we prefer classrooms to bureaucrats. We would like to allow each State, if it wished to do so, to say that the whole $10 billion went into our schools rather than to have roughly $2 billion of it siphoned off by Federal and State bureaucrats.

I suppose it is perfectly appropriate for Members of this body to believe that without those bureaucrats in Washington, DC, and in our State capitals, all of that money would be wasted; that our school board members, our superintendents, our principals, our teachers, and our parents, don't know what they are doing and that we must set national priorities for them and tell them there are certain things they must spend the money—that we have collected from them and returned to them—on.

That, however, has not been the argument against the Gorton amendment so far. More than one Member this afternoon opposing it talked about how it damaged disabled children. It doesn't include the aid for disabled children. It is not affected by it at all. It is totally irrelevant to that subject. Others have said how it destroys the fight against drugs in our public schools, or for safety, or for mathematics education, and the like.

Mr. President, it may very well be that, for example, the principal debater against this, the senior Senator from Massachusetts, knows more about what the Boston schools need than does the Boston school committee, but I am reasonably confident that he does not know more about what the Wenatchee, WA, school district needs than do the teachers and parents and school board members in Wenatchee, WA.

That amendment takes about one-third of the money, $10 billion out of $30 billion a year that goes to the Department of Education here in Washington, DC, for common school education, and it says that States, like that system of Federal regulation and the narrow Federal categorical aid program, are perfectly free to retain it without change, but that those States that think that either their States or their local school districts might possibly do better without those Federal regulations and with more money will have that option for a 5-year period. The State can adopt the policy under which it is the State educational agency that makes the determination as to how this money can be used, or the States can opt.

It is my preference, and was the only option a year ago when I first proposed it and this amendment was agreed to, that each of the 14,000 school districts in the United States can make those choices for themselves. It may be that the Wenatchee school district, or any other, will feel that the precise requirements and the exact amount of money in the Safe and Drug-Free

Schools Act is what the Wenatchee school district ought to spend on that subject. But if it were allowed to make those choices, that school district might decide that it wanted to spend more money on that subject from the Federal Government, and perhaps in a slightly different way than the set of Federal regulations set out for every school district in the country, and it might, if it is very fortunate, decide that it could get by with less and put more of that money into teaching English, or mathematics, or computer sciences.

Mr. President, I suppose one can say that to allow that kind of discretion would be disastrous to our schools; that there is no way that it is appropriate for us to trust those local school board members wisely to spend the money collected here in Washington, DC, and send it back for school purposes. But I believe that if there is to be an argument against that, it ought to be on the basis of what the amendment says and not the statements of those who have not read it.

To repeat. It does essentially two things. It takes this $10 billion and says each State may continue the present system, may have a State-based system or may have a local-based system for a period of 5 years, at the end of which time, I think, perhaps we might know a little bit more about what works best.

It does something else. It says that this bill stays in effect only as long as Congress keeps, modestly at least, increasing the amount of money it puts into our schools. I would have thought many on the other side of the aisle would have liked that effective guarantee, a real incentive for us to do our job for education. Evidently, however, there is in this body a view not widely shared in the United States, a view that the present system is so close to perfect that we do not dare experiment with it; that we are doing so well with our Federal policies, that we are so successful that we should not experiment with them at all. For those who believe that bureaucrats are more important than classrooms, or at the very least that bureaucrats here in Washington, DC, should run our classrooms, and that they should retain literally billions of dollars that could otherwise be spent in the classroom, opposition to the amendment was appropriate and taken well.

But for those who believe that there is not only great concern, perhaps the greatest concern, for children in a given part of the United States on the part of those children's parents and their teachers, their principals, their school board members, and a degree of competence and knowledge about what those communities and schools need, this amendment offers a new chance and a real experiment. It isn't permanent. Can I say that there is no question but that it will be a better system? Of course not. I think it will be. I am sure we will learn when there are States that accept each of these three alternatives.

But to say that it is some kind of disaster, to say that without this guidance, without these requirements from the Department of Education in Washington, DC, without our wisdom, 100 Members of this body, with all we know about schools, that we will irretrievably damage the educational fabric of this country is simply wrong. I regret having deprived my friend and colleague from Georgia of so many friends and so many supporters. I strongly support his bill, as he does mine.

But it does seem to me that there ought to be enough tolerance in this body, enough faith in the American system that we are willing for a period of time to let some States in this country try to operate under State-mandated rules and others to let school districts make their own decisions. The amendment that a small majority of this body passed yesterday does just exactly that, nothing less and nothing more.

Mr. DORGAN. Mr. President, let me take just a couple of minutes. I understand that the Senator from Georgia will be yielding time to the Senator from Florida. But before he does that, let me take a couple of minutes to respond to some of what I have heard.

There have been interesting discussions on the floor of the Senate about this legislation, and it is clear that different Senators see this issue from a different perspective. Many people come to the floor to talk about public education. Well, our proud tradition of public education began in this country in 1647. The Colonists in Massachusetts first developed tax-supported public schools, and we have had from that time on in this country an understanding about the desire and obligation to create a network of taxpayer-financed public schools in this country.

I defy anyone to come to the floor of the Senate and show me a country anywhere in the world that is as successful as this country has been, that has produced as many scientists and engineers, as many mathematicians, as many well educated men and women coming from our public school system. In fact, even today, do you know a country out there that you would like to trade places with, a country with a better economy than ours?

Oh, you can point to some areas where you might say, gee, this country has a better education system than ours. Many countries take only its top students and run them up the ladder and say to one group of students, you are more appropriately going into another area, and to the best group, we say we are going to direct you toward higher education. And we are going to compare that group to the American students, the students that have universal opportunity. What a great tradition we have of affording every young boy and girl in every school entering every classroom door the opportunity to be the best they can be because our public education system gives them that opportunity.

It is interesting to me that there is a kind of "blame America first" notion that somehow nothing works here. Again, tell me, with what country would you change places? I have two children in public schools. They are wonderful public schools. Both have wonderful teachers. I am enormously proud of what they are doing. They are doing harder work in those public schools in both grades than I did—much, much harder work than I did when I was in school.

I also read to a young boy in the Everybody Wins Program. Yesterday, my power lunch for an hour was reading with a young third grader in a school here in Washington, DC. And I understand the challenges of different schools. Some have more resources than others. I understand that not all is right with our education system. We have plenty of challenges, some external and some internal, in our education system.

A week ago yesterday I was in the school in Cannon Ball, ND, on the Standing Rock Indian Reservation—in a public school in a public school district with a very poor tax base. This is a school with 145 students and 40 teachers and staff—180 people in a school, part of which is 90 years old and has been condemned as a fire hazard. 180 people using 2 bathrooms and 1 water fountain; second graders, third graders, fourth graders, fifth graders in a choir room that is about 12 foot by 12 foot, that they can only use occasionally because the stench of the sewer gas seeps into the classroom and drives them into another classroom. The other classrooms are only 8 foot by 12 foot in many cases, and the children sit in desks only a half inch apart with their desks touching because there is not enough room in that school and in those classrooms. And too many students they simply put in an open area, and one teacher will teach two classes at the same time by spending 15 minutes talking to one group and then 15 minutes talking to another group of students, in the same room, and by going back and forth all day long.

The question I ask is, Who defends this underlying bill where we say here is the priority of need in education? It is a tax subsidy. The majority of the money from the subsidy will go to the parents of fewer than 10 percent of the children in this country who attend private schools. That is the priority of need identified in this bill. And the question of school construction and modernizing the school buildings so

that the wiring will allow kids to access the Internet, those priorities somehow don't matter; they apparently represent some ranking of need well down below the tax issue.

We are told, if we talk about the desperate repair and construction needs, that what we are talking about is decisions that ought to be made by the local school board. In this case, the local school board doesn't have any money. They have no tax base with which to issue bonds to repair this school. And there are plenty of other schools like it. To the second grader that I mentioned earlier this week, little Rosie Two Bears at that Cannon Ball school, who says, "Mr. Senator, will you buy me a new school," I say, "Well, we are talking about that in Washington, DC."

Can we provide some help perhaps to that school district to deal with school construction, to give those kids some help? It seems to me the people who are defending the current legislation are saying that issue doesn't matter to us, that ought to matter to somebody else. Crowded classrooms, too few teachers, crumbling schools, those issues don't matter to us; they belong in some other debate.

In fact, the amendment that was offered by Senator GORTON, who just spoke, is an amendment that says let us take a substantial amount of money in the Department of Education and block grant it. That is a seed that comes from the same garden planted by those who want to abolish the Department of Education. In fact, abolishing the Department of Education is a part of the 1996 Republican national platform. They want to eliminate a national role in education, but they don't want to say that publicly. They don't want to offer it publicly on the floor of the Senate, so they do something slightly different called a block grant.

And I say to them, if you want to do that, why be a tax collector? Why collect the taxes, run it through Washington and send it back in a block grant. That's like passing an ice cube around; all you do is get a smaller cube every time you pass it. If you decide that safe and drug-free schools is not a program of national interest and national importance and you want to tell the States this is not something that represents a national interest, it is fine if 5 schools or 5 States want to do it, and if 45 States want to do it, that's OK, too; we will send you all the money for it, and you do whatever you want. If we decide there is not a national interest in having safe and drug-free schools or title I or, for that matter, a half dozen other programs, then why would we collect the tax money for it and send it back? Why not say to the local districts, you collect the taxes and you decide how to spend it. That is the way the system ought to work.

We don't run the local school boards and we should not. We have done some targeted financing in certain areas that have been enormously successful. For example, with title I we have provided specific investments and opportunities for the very lowest income kids in this country. Those investments would not have been made and could not have been made by the local school districts. They are very important, and I am enormously proud of what we have done in this and other areas.

Do I believe we should take those programs apart and block grant them? Absolutely not. Why take a giant step backwards? The defenders of the legislation before us are the folks who come here and say, "Well, gee, we should not worry about that. We are a U.S. Senate. This is not a national issue."

If education and achievement and competitiveness in the international arena is not a national issue—I am not talking about running the local schools; that is a local issue—then I do not know what is a national issue.

So, I say to my friends who come here to speak in defense of the current bill, Rosie Two Bears was in school today in a school that in most cases none of you in this room would send your children to. That school is not going to get fixed with any help from us, despite the fact that President Clinton called for it in his State of the Union Address. I support this effort, and I think a number of others in this Chamber support some initiative to provide incentives to those school districts that don't have the opportunity and don't have the resources, "We are going to help you a bit," because we believe that any kid who walks through any classroom anywhere in this country ought to have the expectation that they are going into a room that they can be proud of, a room in which learning will take place, a room in which education will prosper, a room in which young minds will blossom. That is not the case today in some areas, and we know it.

I have great respect, incidentally—I have said this on a couple of occasions—for the Senator from Georgia. He has handled himself with great skill in this debate, and I have great respect for him. However, we differ with respect to the priority of needs. That's the only place we differ. I see our priorities as very different than he does. I would like very much for us, if we have $1.6 billion, to debate about what we do with the $1.6 billion. Let us consider the range of needs that represent what we think are the national needs in education and then start at the top, pick No. 1, No. 2, or No. 3, and identify what we can do.

We don't do that. We bring this bill to the floor and we say, no, we are not going to deal with the top priority needs. We are going to establish tax subsidized accounts, 52 percent of the benefits of which will go to parents who have fewer than 10 percent of the kids in schools and say that is what represents our priority of need. I just say to you I think this shortchanges a lot of children in schools in this country. I regret that we have been prevented from having the kind of debate we should have had on these issues.

Thirty minutes of debate on our side—30 minutes on this question of school construction as a national priority—because that is what we were told was allowed to us under the time agreement for an issue of significant national importance. This was not the kind of free and open and aggressive debate that we ought to have had on the range of priorities of needs that exist in education in this country today. It didn't happen this time. Maybe it will happen in the future. I think the Senator from Georgia will win this vote and lose the battle. Because this bill will be vetoed. But then perhaps we will be able to debate the entire range of needs and try to determine from that debate what kind of priorities we can achieve from each side.

I am not somebody who believes only one side has wisdom. I think, instead of getting the worst of what each side has to offer in this Chamber, both can offer. The only way to do that is to have a real debate, not a debate based on very narrow one-sided rules, but a debate in which we guarantee everyone in this Chamber can bring up the best ideas and we can have a real competition of ideas on the floor of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I would like to respond to my good friend from North Dakota but, in deference to time—there will be other chances to do it—I am going to yield 15 minutes to the distinguished Senator from Florida. I might add, I think, as I listened to the Senator's remarks—he dwelled on construction. There is a key component of school construction in the underlying bill and its author is the Senator from Florida. So it is opportune that he would be here at this moment.

The Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, first to my good friend from Georgia and to my good friend from North Dakota, I wish to express my commendation for the quality of debate that is taking place this evening and that has taken place throughout the period of consideration of this legislation. This is, as we will all agree, important business that we are about. I believe that we all start from a desire to see that the young people of our Nation have the best possible educational opportunities. We

may differ on the details of how we think we can achieve that objective, but we should respect our individual desires to achieve that goal.

It is ironic that we are having this debate on this week as we mourn the death of our former colleague, Senator Terry Sanford. Senator Sanford, in the earlier part of his career, was the distinguished Governor of North Carolina, from 1961 to 1965. During that period, he formed an alliance with the then-president of Harvard, who had written extensively on the needs of education in America in the postwar period. Then-Governor Sanford took the leadership in establishing an organization called the Education Commission of the States. The purpose of the Education Commission of the States was to assist in the national debate to rationalize what should be the role of the Federal Government and the individual States in meeting the educational needs of American youth.

It was agreed by the founders of the Education Commission of the States, under the leadership of Governor Sanford, that the primary responsibility for education in America is and should be at the local and State level. But it was also recognized that there were important national goals of education which justified a Federal participation. What were some of those national roles? One, which was particularly searing at the time of Governor Sanford, was the issue of civil rights; that the National Government had a responsibility of assuring that all children had their full, legal civil and human rights protected within the education setting; that education should be an opportunity available to all American youth. The Education Commission of the States recognized that the Federal Government had a particular role in higher education, specifically in assuring access to higher education for all American children.

We had just come through the period of the GI bill, at the end of World War II, and we were learning, as a Nation, the benefits that we had secured by the fact that millions of Americans who previously had no chance at higher education suddenly were given that opportunity and that that opportunity should not be limited to that one generation who fought and won World War II, but should be a permanent part of our national commitment to its own future. And a third important area was at-risk children, children who did not come into this world with the benefits and opportunities to be fully competitive and were going to require additional assistance because of their circumstances which were beyond their control.

Those have traditionally been some of the priority areas that have defined what should be Federal policy for education. I believe that as they were in the early 1960s, they continue in the late 1990s as important principles to determine what should be the Federal role in education.

For that reason, I am pleased with much of what is in this legislation, but concerned about other important provisions. I am concerned, for instance, about a theme that is running through several of the amendments that we have adopted, which essentially says that this thoughtful construction of a Federal role in education is no longer relevant, that we can treat all Federal education funds as if they are fungible, that they can serve any purpose that a State determines, that there is no longer an appropriate, focused Federal role in these areas such as access to higher education and at-risk children.

We have adopted not just in one place but in several places amendments, language that says essentially, notwithstanding any other law or provision, that any Federal education funds can be used for the specific object that the authors of that amendment thought were appropriate.

I do not believe that is tolerable education policy. It is not policy. It is the denial of a rational policy to direct Federal educational actions and resources.

For that reason, I am going to vote for this bill, but I will announce at this point that if this bill should come back from the conference committee containing these what I consider to be troublesome provisions, I will have to vote against the conference report. I believe there is a sufficient amount of good in this bill that it is not appropriate at this stage to pronounce its death; that, rather, we should try, with the opportunities that will be available to us in the next few weeks and with the confidence that I have in a person such as Senator COVERDELL—that we will be able to keep what is constructive and what is consistent with our tradition, keep those things that Senator Sanford would be pleased to have as part of his legacy of educational policy for America, and discard those that are not constructive and not consistent with our traditions.

Let me focus on those areas in which I believe there is substantial good embedded for our education and consistent with our tradition.

The fundamental thrust of this legislation is to increase the access to higher education. While much has been made of the amendment that bears the specific name of the Senator from Georgia as to its role in elementary and secondary education, if anyone looks at the actual numbers and how this will play out in the planning of the American family, the reality is that the program is going to have its principal utility in preparing a family to meet those enormous costs that are associated with higher education, and, thus, its principal contribution is going to be in making it possible for families to save and plan and prepare for the cost of college and university. And that is a good thing. We are going to spend approximately $1.7 billion to accomplish that.

But that is not the only area in which we are going to encourage access to higher education. There is another provision in this bill which was sponsored by the senior Senator from New York, Senator MOYNIHAN, which happens to have a cost over the same time period of approximately $2 billion, more than the cost of Senator COVERDELL's provision.

What will that provide? That will extend the current provision in the law that says an employer can provide higher education tuition to one of its employees so that that employee can increase his or her skills and wisdom and contribution both to the company and to his or her own goals, and that that employee will not have to take into the employee's income the value of that tuition provided by the employer.

That is clearly a provision aimed at making more certain, more stable, our concept of access to higher education through cooperation between employers and employees.

There is another provision which I have been active in advocating, and that relates to State programs through which families can purchase contracts to pay the tuition and, in the case of many States, the room and board for their child or grandchild or nephew or niece in advance of the time that that child is ready to enter college or university.

These plans, which now are in place in 21 States and will add another 13 States before the end of 1998, vary but have some similar elements. Those elements generally include the ability to purchase at a point in time the tuition for a child prior to the time that child is ready for college and, thus, lock in the tuition at its current level. Thus, the family is able to avoid tuition inflation, which has been running substantially higher than inflation in the general economy and higher than increases in family income.

It also provides an effective means by which families can plan and save for that large cost. It also fundamentally changes the nature of the question that a child will ask as they are growing towards college years. They no longer will have to ask the question, "Will I be able to afford to go to college?" Instead, they will ask the questions "Will I be prepared to go to college? Will I work hard enough? Will I make adequate grades? Will I be able to distinguish myself so that I will be admitted to the college for which I have already made financial preparations?"

I think that will be a very important step toward increasing the level of motivation and quality of learning.

There has been a cloud over these plans, the plans that Senator LANDRIEU

sponsored when she was the Treasurer of the State of Louisiana, the plans which many Members of this Senate have been involved with in their individual States, and that cloud was that the Internal Revenue Service has said these plans are taxable and, therefore, sent a chilling signal to States considering the establishment of the plan and individual families' participation.

In the last two years, in what I think were very wise decisions, this Congress eliminated the taxability of the plans on an annual basis. That is, as the interest accrued in the account for a particular child, that accumulation would no longer be subject to Federal income taxation.

The provision that is in this bill, which happens to have approximately the same cost to the Federal Treasury of $1.7 billion as the underlying provision of the Senator from Georgia, will say that when the funds are transferred at the time of commencement of college education from the State higher education tuition trust fund to the individual university to which the student is now going to be enrolled, that that transaction will also be nontaxable. So the family can be assured that every dollar that it invests, every dollar that is accumulated in the fund during the period that the child is maturing to college age, will be used for that child's education.

I believe that with the adoption of this provision, we will find many more States that will establish a State plan and many more families than the over 700,000 who are currently participating will participate in this means of preparing for their child's higher education.

At the end of the day with this legislation, we will have Senator COVERDELL's bill which will provide one means through an educational savings account to prepare for higher education, we will have Senator MOYNIHAN's provision that will provide for the adult who is studying through the financial assistance of his or her employer, and we will have State-based plans fully tax free providing another vehicle by which Americans, youth and adult, can see that they will have the resources to meet their goal of higher education.

That is a good thing. That is consistent with the role of the Federal Government which we have established at least since the GI bill in World War II and the definition of the Federal role in education as established by then Governor Terry Sanford.

Another issue which is a very serious one, for which Senator DORGAN has just made an excellent plea, is the issue of school construction. This is a national crisis. The General Accounting Office completed a study a couple of years ago which indicated the cost of bringing existing schools up to appropriate educational standards was in the range of $110 billion to $120 billion. There is not a comparable figure as to what is the cost of building new schools to meet the demands of a growing student population and to keep class size at reasonable levels, but the best estimate is that it is at least the equal of that cost of rehabilitation.

I believe that this is an area in which the Federal Government has a role and needs to play a more effective partnership with the States. We are already doing a significant amount to assist the States. We are providing that States have access to tax-free financing when those financings are done directly to a public agency for purposes of public education.

In this bill we have a provision which may be arcane but which will be significant, particularly to many small and rural school districts. And that is a provision that builds upon action taken a year ago in which we allow a school district that issues no more than $10 million per year in tax-exempt bonds to keep the difference between the interest that is earned as a lender of the funds prior to paying construction vendors and the interest which it pays to the bondholders.

As an example, a typical school district might issue a bond issue and pay 6.5 percent interest to bondholders who do not have to pay tax on this interest received. For the period of time before it actually begins to spend that money to construct a school, it may be able to loan that money for 8.5 percent. This would allow the school district to keep that 2 percent differential, which is referred to as arbitrage.

This proposal will make this arbitrage rebate exemption available to districts issuing up to $15 million in bonds, rather than the current $10 million. This will be particularly valuable to those small school districts who only occasionally are in the business of building that elementary school that they may only construct once every 50 years in order to meet their needs.

Another important provision which I think will be, if adopted, the beginning of a new and creative approach to public education construction assistance from the Federal level is called the private activity bonds. Private activity bonds are bonds issued by a public agency on behalf of a private concern in order to serve a public purpose. These bonds today are primarily used in areas such as airports, seaports, mass transit facilities, water and sewer facilities, solid waste disposal facilities, housing for low-income and affordable housing. Those are the kinds of areas in which this type of financing is currently available.

By the adoption of a provision which is in this bill, we will make this available for the first time to public schools. The irony is that under provisions that are already in effect, private schools, both at the higher education level and at the primary and secondary level, are benefiting by private activity bonds. This creates parity by allowing public schools for the first time to participate directly in private activity bonds.

Some examples of how this might work—let me give an example that is currently in a stage of finalization in Orange County, Orlando, FL, which is the home of one of the most rapidly expanding school populations in the country.

I ask if I could have 3 more minutes to close.

Mr. COVERDELL. I yield 3 more minutes to the Senator from Florida.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Florida.

Mr. GRAHAM. I thank the Senator.

In the Orange County school district a proposal that is close to becoming a reality involves the school district working with the private developer who will build a public school which will be co-located with a YMCA facility. The school district would make payments on the building at 2 percent interest for 5 years. At the end of that 5-year period the school district will receive the building and lease out space to the YMCA, a creative example of financing co-location, being able to use the school as a means of meeting a variety of the needs of the children of that community. This use of private activity bonds will accelerate the creativity and innovation of school districts, particularly those that are facing crushing demands by escalating student population. This provision in the legislation before us has a cost of approximately $400 million. If I had a criticism, I would say both of these provisions, the one for the small and the rural schools and that for the fast-growing schools, are inadequate to the challenge. But in the one case it is building on progress that we made last year, on the other it is starting a new departure which I think will have tremendous long-term benefit.

So it is for provisions like those that I will vote for this legislation. It is my hope, as I indicated, that with the good will and effort of people like Senator COVERDELL, and Members of my side of the aisle, that in conference we can take the ideas that are consistent with our tradition of a Federal role in education, build upon them, shape them, and bring them to the point that they can serve important, constructive purposes for the youth of America; with those ideas which may have been introduced, I would say, more for theater than for serious public policy, they can be discharged and will not cause the good ideas to be placed in jeopardy.

I want this legislation to become law. I want to see the benefits in terms of access to higher education, school construction, and the other valuable provisions which are included in this bill to be made available to the children and

communities of America. Therefore, I will vote for this legislation. And I wish it well as it moves on to the next stages of its journey.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. COVERDELL. Mr. President, I want to acknowledge that the work of the Senator from Florida has been immense. All of the provisions that deal with school construction in the underlying bill have been basically the genesis of the Senator from Florida. He has been consistent and persistent, and I want to compliment that work here this evening while he is here.

I yield the floor.

STATE PREPAID TUITION PROGRAMS

Mr. SESSIONS. Mr. President.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Thank you, Mr. President.

Mr. President, I would like to engage the distinguished Senator from Georgia in a brief colloquy to discuss extending to all private college prepaid tuition plans the same tax treatment that public college prepaid plans receive.

Currently, 16 states, including my home state of Alabama and the distinguished Senator's state of Georgia, have established prepaid tuition plans that allow resident families to lock in today's tuition rates for tomorrow's education. Income taxes on the accrued interest in these accounts are deferred until the account is cashed in to pay for college and these taxes are paid at the student's tax rate, which is typically lower than that of their parents.

Mr. President, as valuable as these plans are, however, there are drawbacks. Specifically, the plans typically cover only in-state public universities. Therefore, if a student decides to attend an out-of-state school or even an in-state private school, then the savings accrued in the prepaid plan are less valuable because states typically redeem only the principal and some nominal interest to account for inflation.

Mr. President, as my good friend from Georgia would agree, this places private schools at a distinct disadvantage vis-a-vis their public counterparts.

Mr. COVERDELL. Yes, the Senator from Alabama is correct. Under current law, private colleges are at a distinct disadvantage to their public counterparts.

Mr. SESSIONS. I appreciate the Senator's comments. I would like to ask the Senator from Georgia further, to clarify for me, that under this legislation, H.R. 2646, the A+ Education Savings Account Bill, is there no provision in the bill to place private college prepaid tuition plans on equal ground with public prepaid tuition plans?

Mr. COVERDELL. The Senator from Alabama is correct. Under this bill, HR. 2646, the A+ Education Savings Account Bill, there is currently no provision that would provide the same type of tax treatment for parents and students to use for private college and university state pre-paid tuition programs.

Mr. President, I have met with the Heritage Foundation, and informed them that it is my intention to work to include private colleges and universities into this bill in Conference so they will be eligible for parents and students who choose to attend these private universities and colleges by using state pre-paid tuition programs.

Mr. SESSIONS. I would just like to convey to my good friend from Georgia, that I was prepared to offer an amendment to his bill that would remedy this inequity, by providing private schools the same fair and equitable treatment as is currently provided to public institutions of higher learning.

However, it is my understanding that the Senator from Georgia plans to work with the Senate Finance Committee Chairman, Senator ROTH, and our other colleagues during the conference on this bill to fix this disparity and provide a level playing field for private universities and colleges. Is this a correct characterization of the Senator from Georgia's intention to do so?

Mr. COVERDELL. I would say to my good friend from Alabama, that he is correct. I am committed to fight for the adoption of this provision in conference.

Mr. SESSIONS. Mr. President, I would like to thank my colleague for his strong support on this issue and I look forward to working with him through conference and in support of this bill once it returns to the Floor.

SAME-GENDER EDUCATION AMENDMENT

Mrs. HUTCHISON. I ask unanimous consent to engage my colleague, Senator TORRICELLI, in a colloquy with regard to my recently-passed same-gender education amendment to the Coverdell-Torricelli A+ bill.

The PRESIDING OFFICER. Without objection, so ordered.

Mrs. HUTCHISON. Thank you, Mr. President. I want to thank Senator TORRICELLI and my other colleagues who voted in favor of this important amendment yesterday. I think the Senate's strong 69 to 29 vote in favor of this amendment sent a strong signal that same-gender education should be made available as an option to parents and their children enrolled in public schools. I understand, however, that you have additional questions about the amendment and the issue of same-gender education.

Mr. TORRICELLI. I thank Senator HUTCHISON for setting aside this time today, and for her leadership on this issue in the Senate. I certainly share your support for making same-gender education available to more parents and their children. The benefits of same-gender education have been demonstrated in the context of private and parochial schools, and the evidence is strong that these same benefits await public education, if the legal uncertainty surrounding this issue were lifted.

That is why I was pleased to support your amendment—to allow schools to move forward with same-gender programs, if they deem appropriate, and not with the fear that by doing so they risk losing federal financial support. Nevertheless, during the debate on your amendment, concern was raised as to the legal status and impact of your amendment, and some claimed your amendment allowing same-gender education funding could lead to discrimination against one sex or the other. Could you please elaborate as to why you believe that your amendment complies with both Title IX of the 1964 Civil Rights Act and the Equal Protection Clause of the 14th Amendment?

Mrs. HUTCHISON. I thank Senator TORRICELLI very much for his statement and for his very important question. States, school districts, and individual public schools all over the country have either tried to implement same-gender programs and have been forced to end them, or have been dissuaded from even trying by the threat of lawsuit or termination of federal funds by the Department of Education.

The fundamental purpose and intent of my amendment, then, is to make it clear to these schools that it is the will of Congress that they be allowed to institute voluntary same-gender programs if they believe it will help further their important mission of educating students of both sexes. In no way, however, could this amendment possibly allow discrimination against either girls or boys.

As you know, the text of my amendment is straight forward. It simply adds same-gender schools and classrooms as one of the allowable uses for federal funds under Title VI of the Elementary and Secondary Education Act. As you also know, Title VI is a very flexible block-grant program that can be used for virtually any education reform effort a school district wishes to try, arguably including same-gender programs. But in order to receive Title VI funds for a same-gender school or classroom, the amendment requires that school district offer, quote "comparable educational opportunities for students of both sexes." This requirement is completely consistent with the requirements of both Title IX and the Equal Protection Clause.

Mr. TORRICELLI. What is the opinion of the Senator from Texas on how Title IX and the Equal Protection Clause impact same-gender education?

Mrs. HUTCHISON. Title IX of the 1964 Civil Rights Act prohibits sex-

based discrimination by any school receiving federal funds. However, by explicit omission, Title IX does not apply to admissions at same-gender public schools. This is confirmed by Department of Education regulations that allow public, same-gender schools, as long as comparable courses and facilities are offered to both sexes. That word, "comparable," is the precise word used by the Department in their own regulations. They do not say "equal"—they say "comparable." My guess as to why they chose not to use the word equal is they came to the same conclusion as I did when drafting my amendment—that "equal" means "the same," and that requiring two or more schools or two or more classrooms, (same-gender or coed), to be exactly the same would pose a nearly impossible administrative and legal burden for any school official to meet. It also simply misses the point that in some respects the educational needs of boys and girls are different, and that these differences cannot and should not be ignored. An all-girls or all-boys school that simply ignored the fact that they were teaching only boys or only girls would be an exercise in futility, and educators know it. Enforcing some "equalness" standards, then, would not only fail to clear the way for schools to try same-gender programs, it would very likely ensure the end of such efforts in the future.

I would also note that the language of Title IX simply exempts admissions to same-gender public schools; it does not go on to say that this exemption only applies if a school meets either a comparability or an "equalness" standard. So ensuring that same-sex schools afford comparable opportunities for both sexes, as my amendment does, in fact strengthens the existing protections of Title IX against gender discrimination in schools.

With regard to same-gender classrooms within co-ed public schools, the Department of Education requires that there be a sufficient showing that a single-sex class is necessary to overcome past discrimination against one sex. But this purely agency-created requirement is nowhere to be found in the language of Title IX, and is in fact contrary to the language and intent of the statue. It seems clear that Congress would not allow same-gender schools but prohibit same-gender classrooms, absent some onerous and ambiguous showing of past discrimination. This defies logic and the legislative history of Title IX. So, at least with regard to the use of the education reform funds identified in my amendment, I would seek to reverse this unnecessary and overly burdensome department-imposed requirement.

In fact, it was our colleague, Senator COLLINS, who pointed out how burdensome this requirement really is. She recounted how she had visited an all-girls math class in Presque Isle, Maine. Despite the tremendous results she described in terms of watching girls really excel at mathematics, the school was forced to undergo a host of, as she described them "regulatory hoops" in order to be allowed by the Department of Education to continue to foster this success among girls in math. This is both unnecessary and unwise if we truly want to encourage achievement.

Mr. TORRICELLI. I also noted during the debate that someone cited the recent Supreme Court case involving the Virginia Military Institute in claiming that your amendment did not meet the standard for equal protection of the laws of the 14th Amendment to the Constitution. How would you respond to that?

Mrs. HUTCHISON. As you know, in that case the Supreme Court struck down the state-supported VMI because the state of Virginia failed to, quote "provide any comparable single-gender women's instituion." My amendment follows the Supreme Court's own language and requires that programs offer "comparable" opportunities for both sexes.

I should also highlight that while the VMI case is certainly in keeping with my amendment, it was a case about higher education, which clearly involves different considerations with regard to the different needs of male and female students than elementary and secondary education. The only major case in which the Supreme Court directly dealt with the Equal Protection Clause as applied to K–12 education was in *Vorchiemer*, which involved a challenge to an all-girls academy in Philadelphia. In that case, the Supreme Court upheld a Third Circuit ruling that this single-gender public school did not violate Title IX or the 14th Amendment Equal Protection Clause. The court in that case explicitly held that there are legitimate differences between boys and girls that can justify separate educational programs in order to provide the best education possible.

I appreciated the questions that were raised about this amendment, and I sincerely wish to engage them to see how we might best address their concerns. I hope our discussion here today has been helpful in clarifying some of these questions, and I would certainly be happy to answer any additional questions you or other individuals may have.

The one point I do not wish to get lost in this discussion, however, is that you and I and the other supporters of this amendment simply wish to protect single-gender education as an option. If someone is opposed on principle to single-gender education, that's fine. They can keep their children in a co-ed environment and even oppose single-gender education when their local school board brings it up. But the decision will be made at the local and individual level. Parents and their children and administrators serving the community will choose, and that is what this effort is all about.

Mr. TORRICELLI. I thank the Senator again for taking the time to clarify some of these points on her amendment. I look forward to continue to working with you to provide families with greater educational opportunities.

Mrs. HUTCHISON. Thank you, and I yield the floor.

Mr. CHAFEE. Mr. President, this week the Senate has been debating a proposal that would enable families to invest in tax exempt savings accounts. The funds from these savings accounts could be used for educational expenses from kindergarten through college, including the cost of tuition at private and religious schools.

I voted against this proposal in the Finance Committee, and I intend to vote against it today. If the President vetoes this bill, I will vote to sustain his veto.

At first blush, this proposal sounds appealing. Why shouldn't parents be encouraged to save for their children's education? The problem is that the "encouragement" the proposal would provide, costs more than $1.6 billion over 10 years and, according to the Treasury Department, 70 percent of the benefits go to the richest 20% of Americans. That is money that would be better spent on improving public schools, particularly low-income, urban schools where most of the problems exist. Also, it permits families to use funds from these tax-exempt accounts to pay for tuition at private and religious schools. Doing so would mean that the federal government is subsidizing private and religious education.

I believe that the Federal role in education must be to support public schools. Nearly 90% of students attend public schools. Our nation's public schools are required to take children who come to school at any time of the year, children with disabilities, children whose primary language is not English, children with disciplinary problems, and children with low IQs.

Private schools have the ability to select the smartest and the least difficult students, with the fewest challenges to overcome. Families who send their children to private schools typically come from higher income levels, yet it is these families who would receive the greatest benefits from education savings accounts.

There have been a number of amendments to this bill. Some of the amendments that I opposed have merit, and I would like to take a moment to explain my reasons for voting against them.

Senator MOSELEY-BRAUN offered an amendment that would have provided tax incentives to help pay for school construction. Although her amendment failed, Senator MOSELEY-BRAUN has been very successful in making us all

aware of the deteriorating conditions of our nation's school facilities. I voted against her amendment because I believe her approach would be very difficult for the IRS to administer, and I have concerns about using Superfund taxes as an offset.

Senator GORTON offered an amendment, and, although I have serious concerns about its effect, he has highlighted an important problem with federal education funding. I share his view that states should have some flexibility in spending federal education funds. They should be able to target these funds to schools with the greatest needs, but I don't agree that $10 billion should be given to the states in block grants without the appropriate committees holding a single hearing. Also, the Commissioner of Education in my state had very serious concerns about the impact of this amendment. Next year, when the Elementary and Secondary Education Act is up for reauthorization, I hope that consideration is given to Senator GORTON's point of view and that appropriate hearings are held.

I wholeheartedly agree with Senator MURRAY's desire to encourage smaller class sizes, particularly in the primary grades. In fact, in 1987, I introduced a bill that would have created a demonstration program on small class sizes. Regrettably, the Labor Committee never held hearings on my bill. I voted against Senator MURRAY's amendment because I am concerned about providing short term federal support for hiring new teachers. How would the school districts pay to keep 100,000 new teachers after the federal funding expired? This is a question posed by representatives from local school committees in Rhode Island when they visited my office earlier this year.

Finally, I voted for Senator ASHCROFT's amendment to prohibit federal funds from being used for national testing. Unlike many of my colleagues, I am not opposed to national testing. Parents should be able to compare their child's performance with children across the United States. Parents should be able to compare the performance of their child's school with schools across the state and throughout the nation. Nevertheless, I agree with Senator ASHCROFT that it is Congress' responsibility to authorize a national testing program before federal funds can be used to implement such a program.

Regardless of the outcome, we have had a good debate on a very important issue, namely the federal roll in education in America.

Mr. BAUCUS. Mr. President, it is with mixed feelings that I rise today to oppose, H.R. 2646, the A+ Education Savings Account Act. I am pleased to see that we in the Senate are discussing educational issues. It is an important debate that the American people need to hear. However, I simply don't believe this bill takes our nation's education system in the right direction.

One of my highest priorities is preparing Montana's children for the challenges of the 21st Century.

Education is the only way to improve our economy and keep our kids in-state working at good jobs that help them achieve the kind of future we want for all Americans.

In the area of education I have taken it upon myself to do more than legislate. Because legislation can only accomplish so much. I have worked hard to put over 350 surplus computers in Montana schools. I've encouraged companies to donate funding for computer hardware and software. I've prepared a comprehensive guide on technology funding which has been distributed statewide.

My office also conducted and compiled a survey of Montana schools' technology needs. And I hold weekly internet chats with students throughout Montana.

In working toward ensuring that every child has strong technological, verbal, written , math and critical thinking skills, I have visited over 100 schools during the last year. A lot of these schools are barely making ends meet. Often times teachers and principals are put in the agonizing position of deciding between new books or computers. New desks or a new furnace. While our public schools are in such straits I believe it is unfair to subsidize attendance at private schools.

These institutions are charged with educating all children, not just those who are able to pay or who meet certain requirements.

Public education is a mainstay of our democracy. It is the great democratizer of the American people. Ninety-seven percent of children in America attend public schools. Public education is a promise to all children: if you work hard and commit yourself fully, you can receive a quality education. And you can achieve anything.

Public education is a promise of opportunity—a promise of open doors. And that is a promise which should be our number one priority to uphold.

Unfortunately H.R. 2646 will not open the doors of educational opportunity for the average American family.

This bill would primarily benefit those who are already most able to afford a private education. Those making less than $50,000 per year, will receive a tax cut of only a few dollars from this bill.

Wealthier families who are in a much better position to save money, will have much larger accumulations of tax-free earnings.

According to the Joint Committee on Taxation, 52% of the tax benefit from this bill would go to the 7% of families whose children attend private schools. The other 48% of the benefits would go to the 93% of the families whose children attend public schools. The average benefit to a family with children in private schools would be $37 while the average benefit for families with children in public schools would only be $7.

Expanding the definition of qualified education expense will result in revenue losses of $760 million over five years and $1.6 billion over ten years. That's money that could be better invested in improving crumbling school buildings, buying computer equipment, paying teachers more and making classes smaller in our public schools.

Public education faces more challenges today than ever before. But rather than diverting precious resources and students from our public schools we need to face these problems head on.

Simply abandoning public education does a disservice to every American—it breaks the promises that our country is founded on.

By any measure, the schools in my own state are doing a good job. In 1997 Montana continued to top the nation in ACT scores (fourth highest in the country) and our state's SAT scores continued to be 37 points above the national average in math and 40 points above the national average in verbal skills.

Montana, like nearly half (47%) of the states, has a policy prescribing class size.

Since 1970 Montana and national student/teacher ratios have stayed virtually parallel, with Montana maintaining a ratio of about two fewer students per teacher than the national average. Beginning in the mid-1990's Montana's statewide ratio of 14.8 students per teacher is only one fewer that the national average of 15.8 students per teacher. Class sizes in most of Montana's middle and larger sized school districts are roughly equal to the national average.

Unfortunately the salary scale for Montana teachers has not kept pace with the national average. In 1996 our educators were paid 16% less than the national average.

Federal funding plays an increasingly important role in public education. After stagnating in the late 1980s and throughout the 1990s, Federal revenues now pay more that 10% of Montana's public schools costs; or 2% more than in 1983. Unfortunately, during this period state revenues committed to education have declined. In 1993, state revenues paid for 53.8% of school costs but have now fallen to around 49% of total school expenditures.

Montana is not willing to rest on its education laurels. Our State Board of Public Education is evaluating new standards for math and reading proficiency.

The State Superintendent of Public Instruction recently stated that "(i)t's

time to raise the high bar on education'' by forging ahead with development of new standards for science and communications, English, writing, speech and debate.

Rather than providing tax benefits for those who can already send their children to the best schools, we need to invest in education systems like Montana's that have a proven record of success while insuring that public schools that do not perform well are held accountable for their performance.

We are called upon today to discuss our nation's education system. And I welcome the debate that all sides will give. However, I urge my colleagues to support public education—support the promise that we hold out to all children regardless of faith, race, income or ability.

Oppose the A+ Education Savings Account Act. And hold open wide the door of opportunity for all America's children.

Mr. KEMPTHORNE. Mr. President, I am here today to support the A+ Education Savings Accounts bill the Senate is currently considering.

Many Americans, including single mothers and low and middle income families, face the dilemma of how to afford the best possible education for their children. The A+ bill is good legislation that gives all families education opportunities they may not have otherwise.

During my years as a United States Senator, I have learned that the true measure of the legislation we propose and pass comes from my constituents in Idaho. A letter from a northern Idaho school teacher named Brad Patzer perfectly expresses why the Senate should pass this bill. The Patzer family has one child in 2nd grade and the other in kindergarten. I would like to share with you an excerpt of Mr. Patzer's sentiments regarding the educational future of his two children. Brad wrote, ". . . I believe that the power of choice needs to rest with parents and I agree that this IRA would provide more equal opportunities for those willing to make their children's education a priority.''

The Patzers, like most parents, do not want their children's impending education costs to prevent them from receiving the highest quality education. They want flexibility to make good choices both about day to day K–12 educational expenses and the future enrollment of their children in college. This legislation accomplishes these goals.

The A+ Education Savings plan will aid families and school districts all over the country. As we contemplate the rising costs of education many would believe those comments are solely directed to higher education. As we have learned in recent years, however, parents are having equal difficulty in paying for their kids elementary and secondary schooling. The A+ legislation begins by increasing the current contribution limit of $500 for educational IRA's to $2000. The scope of this IRA is also expanded to allow contributions to be used for day to day elementary and secondary education as well as future college costs. This provision allows parents to save for their future college expenses while at the same time covering expenses during their child's younger years. For example, if a family deposited an original $2,000 in an A+ account at the time of their child's birth, they would have a savings of $4,522 by the time the child reaches kindergarten. Another provision in this bill would establish a tax free status for state-sponsored prepaid tuition programs, allowing students to withdraw from an account, tax-free, that was established years before the student approached his or her college years.

In addition, the A+ bill proposes a new, and creative method for constructing schools. The private sector would be allowed to use tax exempt financing to build schools, and would then be able to lease those facilities back to local school districts. After a designated number of years the facilities would then become the property of the leasing school district. In the bill's current form, Idaho is authorized to issue up to $10.2 million of these new type of bonds; $5 million for wherever the need is the greatest and another $5 million for high growth school districts. Under the bill, however, only a few school districts would be eligible to utilize this bond. I have raised, with the floor manager of the legislation, my concern that economically depressed school districts, not just high growth areas, should also receive special consideration. To be issued, however, these bonds must conform to conditions imposed by Idaho state and constitutional law. The floor manager of the bill, the senior Senator from Georgia, has said he is willing to work to see whether this issue can be addressed when this bill goes to conference with the House of Representatives. The measure retains current federal law that allows school districts, with voter approval, to issue an unlimited amount of tax-exempt bonds for school construction.

As I mentioned earlier, the A+ bill allows for the establishment of a tax-free savings account for each American child. It also contains a special provision for the use of such accounts for children with special needs. Specifically, the bill waives the age limit for children benefiting from such accounts for those students with special needs. I feel this is an important acknowledgment of the financial concerns which can come with being the parent of such a child. We reauthorized the Individuals with Disabilities Education Act because we wanted to improve the way we educate special needs children. This provision will help parents expand on what we have already done.

I would also like to thank my colleagues for their support of my Student Improvement Incentive Grant amendment. This amendment provides states with a new option for how to use their federal education dollars. Under my amendment, states will be able to use these funds to reward schools which demonstrate excellence. Such a system will help create competition between schools to encourage improvement in education. Most importantly, in creating this new option, we did not increase federal regulation, federal spending, or federal oversight of our schools.

I support the pending legislation because it gives parents more financial tools to meet education needs. The bill creates educational savings accounts which allow parents to place as much as $2,000 per year, per child in a designated savings account. These after-tax, non-government dollars would earn interest at a tax-free rate and could be used for education expenses (home computers, tutoring, tuition) associated with any K–12 school. With help of my amendment we have also established a precedence to raise the level of excellence within our schools. This legislation is not the sole answer to the future of America's education, however, it is a step in the right direction. I would urge my colleagues to recognize the significant role this educational savings plan could have in the future of many American students and their families. I would urge my colleagues to support and pass this legislation.

Ms. MIKULSKI. Mr. President, I rise today in opposition to H.R. 2646, the Education IRA Tax Bill. I oppose this bill for three reasons. First of all, it is does not meet the education needs of America's children. Second, it does not support the mission of either public or private education. Third, it does not meet its stated goal of providing economic relief to America's families.

Mr. President, this bill is ineffective in serving the education needs of our children. One of my priorities as a Senator for Maryland is standing behind our kids. I believe this priority should also be at the heart of the Senate's agenda. The bill before us does not reflect what America's priorities in education should be.

Let me state clearly that I believe that education should be a non-partisan issue about what is good for our kids and the future of our country. Fighting for education does not mean pitting our schools or our people against one another. It should not be about private schools vs. public schools, or wealthier people vs. people with more modest means of educating their children.

This is not what education is about. This is not what the business of the

Senate is about. We are here to do the very best we can for ALL of the people of America, not just a select few. We have a duty to help ALL of the children of America to prepare themselves for the 21st century.

We need to be able to look toward a future that promotes a sustainable, robust economy. A key element to our future is educating those who will be governing our future. We need to invest in our children's education so that they can skillfully navigate our country into the ever expanding world markets. They need the skills to become productive members of our workforce. Our children need the educational tools that allow them to understand the complicated economic mechanisms that govern our modern world.

While the Coverdell IRA bill purports to be a pro-education bill, it does nothing to improve the education of the majority of our students. Coverdell does nothing to ensure our kids have the tools they need to cope with these important issues as future leaders and hardworking adult citizens of our country.

Support for public education must be the priority for federal investment. Coverdell represents an actual divestment in public schools. The Coverdell bill costs $1.6 billion dollars over the next ten years and gives the majority of the benefits to only 7% of the families with children in school. Even those benefits are meager ones. For example, the average family with children in private schools stands to benefit only $37 a year in tax exclusions.

This $1.6 billion can be much better spent following an agenda that truly gets behind our kids. The Senate should support and pass legislation that offers real solutions to address the problems faced by our schools.

Students cannot learn in overcrowded schools that are falling down around them. Schools in every state in this country are in desperate need of repair. This year, K–12 enrollments reached an all-time high of 52 million children and they will continue to rise. It is estimated that we will need to build 6,000 new schools by 2006 to maintain current class sizes. Leaky roofs and overcrowded classrooms are the real problems that need to be addressed, not whether an average $37 per year tax benefit is what is best for Americans and education.

We should target scarce federal resources to finance the construction and modernization of our public schools. These are the schools that 93% of our children attend. These schools will help many communities provide modern, well-equipped schools that can be wired for computers and technology so the children can get the education they need to succeed in the 21st century. These are also the same schools that may house after-school education and safety programs which our children need.

We need to place our priorities on hiring new teachers. I supported Senator KENNEDY's amendment to hire 100,000 new teachers and to make certain that they are well qualified in the areas we need them most.

Under the 1994 Crime bill, we agreed to add 100,000 cops to police forces throughout the country. My own state of Maryland has added over 1,200 cops—who are out in the community fighting crime. I know what a difference they've made in preventing crime, and in ensuring that those who commit crimes are apprehended. Our streets are safer because of this program. Think what a difference 100,000 new teachers could have made. I am disappointed that this amendment was not approved.

The Coverdell bill does not meet any of these dire education needs—for school repair, for school construction, for more teachers and smaller class sizes. It is silent on these critical needs.

The Coverdell bill is ineffective in supporting the mission of either public or private education. I believe that public education—the choice of 93% of America's families—must not be shortchanged by the federal government. But let me be clear that I support our private schools as well. I am a proud product of parochial schools. What I am today I owe in large measure to the sisters who educated me in Baltimore's parochial schools. They nourished my intellect, and they nourished my spirit.

So I know about the value of private schools and I support private schools. But I believe there are better ways to support private school education. The federal government already provides substantial assistance in support of private education. There are a range of federal programs that private schools can take advantage of which are designed to serve a variety of school student and teacher needs.

For example, there are 366 private schools in Maryland that take advantage of "Innovative Programs," a federal program available to both private and public schools. Innovative Programs supports a broad range of local activities in eight primary areas including technology, reform implementation, disadvantaged children, literacy programs, gifted programs and some Title I and Goals 2000 activities or programs. I believe that better use of the resources tied up by this bill—some $760 million over the next five years—could be better used through supporting existing programs that benefit both public and private schools.

Finally, Mr. President, this legislation is ineffective in providing economic relief to America's families. I know how hard many families of modest means struggle to give their children the best education possible. The Coverdell bill has been presented as a tool to give these families some financial relief. But, that is a hollow promise. The average family with children in private schools would receive tax relief of only $37.00 a year. $37.00, Mr. President. I know that every dollar counts, but $37.00 a year is not going to make much of a difference in the average family's budget.

The bottom line is that the education IRA will not fix our crumbling schools or help us bring qualified teachers into our classrooms. The education IRA will not bring the information superhighway to public schools. In fact, it will bring very little benefit to the majority of Americans and no benefit at all for Americans who cannot afford to contribute money to these savings accounts.

For these reasons, I must oppose this legislation.

Mr. McCAIN. Mr. President, I want to cast my wholehearted support for a very important piece of legislation for our children and our nation's future, H.R. 2646, the A-Plus Education Savings Account Act. As my colleagues know, this bill would provide families with the economic freedom to save their own money, tax-free for their children's elementary and secondary educational needs.

I am excited that the Senate is about to pass a bill which addresses the unique educational needs of all our children while making significant strides toward improving their academic performance. This bill is an important step toward returning to parents and communities the means and responsibility to provide for their children's education. This is why I support the A+ bill and will continue to support innovative, flexible programs which focus on the best interests of our children, our future.

As an original cosponsor of this legislation, I have consistently worked with my colleagues to ensure passage of this bill and have looked forward to the day when it would pass the full Senate.

Unfortunately, I will be unavoidably absent for the final vote on this crucial education measure. I am very disappointed that the vote on final passage for this measure was unexpectedly delayed. If I had been able to be present this evening, I would have voted yes for this bill.

Again, I want to reiterate my commitment for this bill and regret my absence for witnessing the passage of such a monumental measure. Finally, I would like to take a moment to applaud the leadership of my colleague, Senator COVERDELL and his staff for his commitment to this proposal. He has fought tirelessly on behalf of our nation's children and should be commended for his efforts.

Mr. ALLARD. Mr. President, today I encourage my colleagues to support legislation which will open doors to education opportunities for parents and children throughout our nation.

Education savings accounts are a sensible step toward solving the education crisis in America by allowing families to save their own money to pay for their child's educational needs.

This bill would empower parents with the financial tools to provide for all the needs they recognize in their children—needs that teachers or administrators should not be trusted to address in the same way that a parent can.

These accounts would provide families the ability to save for extra fees, tutoring, home computers, S.A.T. preparation, transportation costs, or in cases of violent incidents, would allow a family to consider another public or private school.

This kind of tax relief is especially important for parents who are working two jobs with no extra time to help with homework, or those who do not feel adequate in their own knowledge to tutor their children.

As parents, I know that my wife and I were the best judges of our children's needs because we truly cared about their future.

And as all parents realize, I knew that I was in the best position to address those needs.

As a small businessman, I would have welcomed an opportunity to accrue tax-free interest to help pay for more opportunities in education for my children.

Far too many parents find that their hopes to provide the best education for their children are crushed as they realize the costs involved in accomplishing this task.

Contrary to popular myth, 75% of the children who would benefit from this bill are public school students. The new estimates released by the Joint Tax Committee appear to disprove the claim that public school revenues would be reduced by A+ accounts.

The Joint Tax Committee estimates that by the year 2000, 14 million students will be able to benefit from this bill, with 90 percent of those families earning between $15,000 and $100,000 a year.

This savings is not reserved for the wealthy but instead lifts the burden from our nation's hard working lower and middle class families.

This bill is good for families—it's good for schools—especially public schools.

Since parents would be spending their own money, it fuels parental involvement in their children's education.

And because it gives them increased resources that can be used for education at their own child's school, it encourages parental involvement in the schools as well.

Tax-free savings accounts may not fix our nation's education system, but they will give parents an opportunity to make a difference for their own children and their own community's school.

Our tax code has always encouraged various deductions and credits for investment in physical capital, but why have we never encouraged investments in human capital?

Education for our children is the most worthwhile investment we have—one that we should protect and foster growth.

This bill is a positive step towards reform and choice in our public school system.

Why anyone would vote against tax relief for America's families and improving education for all of our nation's children at the same time is difficult for me to understand.

I thank the Senator from Georgia, Mr. COVERDELL, for introducing this bill.

I believe that the working families in our states will thank us for handing them an opportunity to invest in their own children.

Mr. LAUTENBERG. Mr. President, I rise in strong opposition to the Coverdell bill. This bill will undermine our public schools and provide the bulk of the tax breaks to wealthy individuals.

Mr. President, before I talk about the Coverdell bill, I want to make two points. First, I am not opposed to tax cuts for families which help them make ends meet and invest in their children. For example, last year I supported the $500 family tax credit and the HOPE Scholarship $1,500 tax credit for college tuition both contained in the 1997 Taxpayer Relief Act. I also believe that we can enact further targeted tax cuts for hard working middle class families this year without tapping the surplus.

Second, I am not opposed to private schools. In fact, I commend the teachers and administrators in private schools for their work. And I strongly support the mission of the private schools in my State. Catholic, Jewish, and other parochial and private schools provide an excellent education to thousands of New Jersey children.

But I am also a strong supporter of our public school system, because 93 percent of all children go to public schools. They come from all different, racial, ethnic, religious, disability, academic and financial backgrounds. They are generally poorer than children who go to private schools. They tend to live in unsafe neighborhoods—surrounded by crime and drugs. They mostly attend schools that are in need of great repair. Many have no textbooks and ancient computer equipment that does not provide them access to the internet.

Mr. President, these children should be our highest priority. And I will never give up on them.

I strongly believe in educational equity—the ability for all kids to have access to an excellent education with modern facilities and talented teachers. But the Coverdell bill will only make our educational system less equitable. If we pass it, we are turning our backs on our public schools.

Mr. President, as ranking member of the Budget Committee, I must tell my colleagues that Federal budgeting is a zero sum game. And since this bill effectively spends money to help private schools, we cannot spend more for public schools. It is that simple.

Unfortunately, our public schools have enormous financial needs. For example, our schools need a tremendous amount of modernization. In fact, our existing school buildings are in such poor shape, the General Accounting Office estimated that we need to spend $112 billion on repairs and renovations. Fourteen million children—mostly from poor or inner-city school districts—attend schools that need extensive repair or replacement.

But the needs of our public schools do not stop here. They need modern computers. They need to be hooked up to the internet. They need more teachers to reduce class size. That is why the President proposed hiring 100,000 new teachers. We also need greater funding for educating disabled children. And the list goes on and on. That is why the 93 percent of all American children who attend them should be our number one priority.

Mr. President, this bill is also unfair as a matter of tax policy. While we are awaiting final figures from the Treasury Department, I would like to point out the tax distribution of last year's Coverdell bill. Under last year's Coverdell bill, the average tax benefit for the richest 20 percent of all Americans would be $96. But do you know what the average tax benefit would be for the lowest 20 percent of all Americans? One dollar! One buck!

Mr. President, this means that the richest Americans would get ninety-six times the tax break that the poorest Americans would get under the old Coverdell bill. Now, I understand that this new Coverdell bill is slightly modified, but I understand that the same dramatic inequity still exists.

We simply should not pass a tax bill that is so skewed toward the rich. Any tax relief should be focused towards middle class Americans—people who work hard to raise their families.

Mr. President, the Democratic alternative to this bill meets part of our educational needs in an equitable manner. It will provide tax incentives for employer paid education and pre-paid college tuition plans that exist in many states. It also provides $22 billion for school modernization. This will mean that thousands of schools across our country will have better science labs, safer classrooms and smaller class size.

If we pass the Democratic education plan, along with the President's proposals to hire 100,000 teachers to reduce

class size, increase the number of tutors available and create new education opportunity zones, we will see real improvements in our educational system both public and private.

Mr. President, I am pleased that the President has indicated that he will veto the Coverdell bill. It will hurt our public schools and provide a tax break for the rich on top of it. When it comes to our public school children, this bill says "let them eat cake."

I ask my colleagues to oppose this legislation for the sake of the millions of children who walk through the public school door house every day and seek a solid physical and educational foundation.

Mr. DORGAN. Might I, before I yield time to the Senator from Delaware, Senator BIDEN, inquire of the Senator from Georgia—those we know on our side who have requested time include Senator BIDEN for 5 minutes; Senator KENNEDY for 5 minutes; and Senator DASCHLE for 10 minutes. That represents the list of all of those we know who will be here to speak.

Could the Senator from Georgia indicate to us the list that he has so we might determine when we might be headed for a vote?

Mr. COVERDELL. My list is Senator DOMENICI, the distinguished Senator from New Mexico, and my closing remarks. We are 15 minutes or less. That would put a vote around 7:30.

Mr. DORGAN. Mr. President, if that is the case, it might be useful for Members to understand that some time in the next 35 minutes or so we might be heading toward a vote. So with that, I yield the 5 minutes to the Senator from Delaware, Senator BIDEN.

Mr. DOMENICI. Would the Senator yield?

Mr. BIDEN. I would be glad to yield.

Mr. DOMENICI. I want to be clear, on my time I would like to yield part of my time to Senator BINGAMAN on a Steve Schiff memorial we want to introduce. We will not take much time.

Mr. COVERDELL. Fine.

Mr. BIDEN. Mr. President, I have listened to and been involved in this debate now for weeks before this got to the floor, and since it has gotten to the floor, and now in the final moments. And I find myself in an unusual position. I think the claims made by everyone on both sides of this issue are greatly exaggerated.

Although I have voted against vouchers, and have voted against direct funding to private schools, I strongly support, and have since I got here in 1973, the use of the Tax Code to indirectly assist private schools.

My friend from North Dakota talked about how the public schools are getting short shrift, but so are the private schools. The private schools I went to were Catholic grade schools where the average income I expect was lower—I know it was lower in the neighborhood I lived in—than the average income in the public schools. I will not belabor this, mainly because no one is interested and, secondly, because I do not have the time.

I think when we get here on the floor and people say, this is really about priorities, I agree. And if the debate really were whether or not to spend this money for aiding higher and elementary and secondary education, all three—and about $300 million of this bill is for secondary and elementary education through the Tax Code—I would say that is a legitimate debate.

The truth is, most of the people who are voting against this are voting against it because in principle they don't think the Tax Code should be used this way, period. They have no desire under any circumstance—and they think it is anathema to our system—to help even indirectly private schools.

So I find myself in strong disagreement and in a distinct minority in my party on that view. Consequently, I voted against a whole lot of things I have supported for 20 years, because most of the initiatives that were brought up that I supported were in lieu of—in lieu of—this use of the Tax Code, this IRA, which is going to be a very, very small amount of money for most people, by the way.

Then having done that—and I do not in any way suggest that the sponsor of this legislation had this in mind—along came an amendment that trumped everything for me. I have always been an extremely strong supporter of public schools. I have supported education for the 25 years I have been here. With every major education initiative, I have played a small part, at least in my vote, along with the Senator from Massachusetts, who has been the leader in this body on education issues since I have been here.

So along comes an amendment by Senator GORTON that essentially emasculates the notion of Federal participation in the education process in our country. I am not suggesting that he is not philosophically committed to the notion that there should be no Department of Education, that it should all be local. But, I think that is malarkey. I think that is absolutely "brain dead" in terms of what this country needs. That is my view.

So now I am faced with a dilemma. I want to support this bill. But, in helping a little tiny bit those parents who send their kids to private schools—over the objection of my friend Senator KENNEDY and others—in the process, from my perspective, I would be voting to emasculate the Federal responsibility in education by shifting all programs to a block grant.

I find it ironic, by the way, all this talk from Republicans about, "We don't want any directed education programs, we want block grants," and then everyone voted for a Republican-sponsored amendment to create a new directed Federal Government education program which is not a block grant.

At any rate, I can no longer support this bill. It really makes me angry with myself that I can't vote for this bill. All these years trying to get a little bit of fairness, in my view, for private and parochial schools. It is just about to happen, and I can't vote for it now because it undermines everything I have believed about the role of the Federal Government in education for the last 25 years.

So I say to my friend from Georgia, who has been straight up with me, upfront with me, the whole way—our offices are across from one other—although we met on this and strategized on this, and, I think to the chagrin of my Democratic colleagues, although I helped play a part in getting this bill to the floor, now I can't vote with him.

Now, if you go to conference and this is dropped—that is, the foolishness of the Gorton amendment—and the bill comes back here without the Gorton amendment in it, I will vote for it and I will vote to override a Presidential veto. But I cannot vote for it in its present form.

The reason, Mr. President, I wanted to vote for the Education IRA proposal is because I believe in it. I have always believed—and I voted as far back as 1978—that we should find some way to help financially those parents who wish to send their children to the school of their choice.

That does not mean that I support every effort to provide tax dollars or tax breaks to support private education. But, I have supported—and will continue to support—reasonable, appropriate, constitutional measures that do not take money away from the public schools to help middle-class and lower-income families who choose an alternative to public schools.

Let me also say that my support for this bill—and similar initiatives—should in no way be viewed as an abandonment of public education. Yes, there are some supporters of this bill who believe that there should be no Federal role in education or that the Federal government should not help States fund public education or that we should decrease our commitment to public education. I have not, do not, and never will subscribe to that philosophy.

I have supported and will continue to support increasing funding for public schools and for programs to help the public schools—Title I for disadvantaged children, Goals 2000 academic standards, safe and drug free schools, special education, school construction, and smaller class sizes, to name a few examples. Public education must be our top priority. But, no matter how much those on both sides of this issue try to make it so, this is not an either-

or choice—where you either support public education or you support families who choose an alternative to public schools. That is a false choice.

Now, having said all that, Mr. President, let me explain in some detail why I believe it to be true—why I believe this bill is reasonable and appropriate, and does not undermine public education. In doing so, I need to review some of the provisions of this bill, which my colleagues are familiar with. I do this because as I have talked to people about this bill—and as people have talked to me—it is clear that there is a lot of misunderstanding about it. So, let me take a few minutes to explain exactly what this bill is and is not.

This bill is not a voucher bill. It does not provide a voucher or grant to pay for private schools. This is not a tuition tax credit bill. It does not give a tax write-off for the costs of tuition at private schools. And, this is not a bill to aid private schools. It does not give private schools a dime of tax money.

What this bill does is simply say that the interest earned on a family's savings that are used for education will not be considered taxable income. Let me be more specific.

Last year, we established Education IRAs for higher education. This was a proposal that I had originally introduced in 1996 as part of my comprehensive bill—known as the "GET AHEAD" Act—to make college more affordable for middle-class families. Under last year's tax bill, families can now put up to $500 per year into an Education IRA and if that money is later used to pay for the costs of higher education, the interest on that savings will not be taxed.

This bill does two things to build on last year's law. First, it increases the amount that can be put into the account each year from $500 to $2000. Second, for families with incomes under $160,000, the bill allows funds in an Education IRA to be used—without having to pay tax on the interest—for the costs of a child's education at any level—elementary, secondary, or higher education—and at any school, public or private, or for home schooling expenses.

There is no tax deduction for the amount put into the savings account. And, there is no tax deduction for the entire cost of a private school education. Those are myths. This bill simply says that interest earned on Education IRAs—which already exist for higher education—will not be taxed if the money is used at any level of education. What is the harm in that? I see none. We are simply expanding existing Education IRAs so that people can use their own money to pay for elementary and secondary education costs.

Now, Mr. President, here is something interesting. The cost of this proposal is estimated by the Congressional Budget Office to be $1.6 billion over ten years, paid for by closing loopholes in the current tax law—not by taking money away from public schools. But, about $1.3 billion of the cost is expected to result from Education IRAs used to help finance the cost of a higher education. Only $300 million—and, remember, that's over a 10-year period—would result from Education IRAs used to help pay for elementary and secondary education. In other words, less than 20 percent of the cost of this proposal is a result of Education IRAs being used for elementary and secondary education costs—what all the hullabaloo has been about—and some of that would be used by families with children in public schools.

Let me repeat that. Under this bill, Education IRAs can be used to help families whose kids attend public schools. If parents need to buy their kids public school uniforms, they can use this money. If parents need to buy their kids a computer, they can use this money. If a child needs an after-school or summer tutor, parents can pay for that tutor using this money.

How is that a disaster that will befall this nation's public school system? The answer is, it is not. That is a rhetorical exaggeration by opponents of this bill, who are trying to have it both ways. On the one hand, they claim that this bill is significant because it will undermine public education, and on the other hand, they argue that this bill is meaningless because the tax benefit for the average family, they claim, will be $37 per year. Which is it—significant or meaningless? It cannot be both.

The truth is, this bill in the aggregate will have only a marginal impact. But, to some families, it will be a real help. And, so I believe that this bill is an appropriate way to reach a desirable goal—assisting parents who wish to send their children to the school of their choice.

Finally, Mr. President, although I support this bill, let me say that I am disappointed with the way the Republican leadership chose to bring up this bill. I am disappointed because we did not use this opportunity to have a serious debate on education in this country. By any measure, as I just noted, this bill will have only a small impact. And, it will help primarily—not exclusively, but primarily—families whose children attend private schools. I support it out of a sense of fairness.

But, meanwhile, there are 45 million public school children in this country. And, we have schools that are falling down, classes that are overcrowded, and children who have nowhere to go and nothing to do when the final school bell rings at 3:00 in the afternoon. Even if the Education IRA proposal becomes law—which I think it should, and I hope it will—it is not a fix for the problems of America's schools, and we should not pretend otherwise. No matter how important I think this bill is, it is not about making our public schools better. We could have put more money in building and repairing schools. We could have put 100,000 new teachers in our elementary school classrooms to reduce class size. We could have funded after-school programs to help keep kids off the streets and away from crime. We could have done all of these things in addition to the Education IRA proposal. But, we did not.

We have missed the opportunity to think big and have instead gone forward with a bill that gets by with something small. Nonetheless what is being done here is important, and I look forward to voting for it if the Gorton amendment is dropped.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

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

(The remarks of Mr. DOMENICI and Mr. BINGAMAN pertaining to the introduction of S. 1978 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOMENICI. Mr. President, this is a very important education bill before us today.

It is a revolutionary education bill.

It encompasses a major philosophical shift.

This legislation is as significant as when we, as a society, decided that it was okay, in fact desirable, to teach girls to read. It is as big of a philosophical shift as when the Supreme Court struck down separate but equal schools in the 1960's.

This bill stands for the proposition that during a time when our technological capability is undergoing exponential change, education also needs exponential change not incremental tinkering.

To understand the magnitude of this proposed change, start with old adage "follow the money."

The Gorton amendment takes the money and provides three different paths for it to follow. Instead of a myriad of overlapping programs, each with its own set of guidelines, principles, and educational commandments, states are given maximum flexibility. Flexibility not only on "what" to do with the federal education dollars but "how" those federal dollars should be delivered to states.

States can opt to send funds directly to local school districts minus the federal regulations; or—states can decide they want their federal money to be sent to the state education authority without federal regulations or—states can opt to continue to receive federal funds under the current system.

States are supposed to be laboratories for government experiments. The Gorton amendment allows this experimentation so that Congress will have some concrete examples and data to see how each approach works.

This bill stands for the proposition that the best decisions regarding education are local decisions and this amendment gives the federal purse to the local decision makers.

This bill stands for the proposition that our schools need to do things differently. Too many kids are merely getting "social promotions" to keep them in a class with their age group regardless of whether they have learned their lessons. It is a sad state when many of our graduates can't read the diplomas they receive at graduation.

Too many schools don't teach the basics any more, and what they do teach isn't taught very well.

Another important philosophical shift encompassed in this legislation is the long-overdue, common-sense revelation that it is reasonable to expect teachers to pass a competency test before we can expect our students to be able to pass tests. I am pleased that this bill includes a provision providing for teacher testing and merit pay.

The bill now includes an amendment to provide new grants to states that (1) test K–2 teachers for proficiency in the subject area they teach and (2) has a merit based teacher compensation system.

In line with my belief that teacher competence is key to improving American education, this bill creates incentives for states to establish teacher and merit pay policies.

I believe the best teachers should be rewarded for their efforts to educate our children. A little competition in our public schools would be a good thing for rewarding these teachers who excel at their profession and motivating those who may need to improve their performance.

The MERIT amendment would use the Eisenhower Professional Development Program (Title II) to provide incentive funds to states that establish periodic assessments of elementary and secondary school teachers, including a pay system to reward teachers based on merit and proven performance.

The legislation would not reduce current funding for the Eisenhower Professional Development Program. Incentives will be provided to states that establish teacher testing and merit pay programs. The amendment permits the use of federal education dollars to establish and administer these programs.

The Eisenhower program, established in 1985, gives teachers and other educational staff access to sustained and high-quality professional development training. In 1998, the Congress approved $28.3 million, $10 million more than in 1997, for the Eisenhower program to provide in-service training for teachers in core subject areas.

The President requested $50 million for the Eisenhower program in 1999, an increase of $26.7 million above the $28.3 million provided in 1998. New Mexico received $2.4 million in 1997 for all 89 school districts. The President funds his 1999 request at the expense of Title VI, Innovative Program Strategies, which New Mexico also heavily utilizes. He requests no funding for this program, which received $350 million in 1998.

This is but one step forward in our bid to improve the educational performance of American students. This amendment supports the principle that all children deserve to be taught by well-educated, competent and qualified teachers.

This bill also builds upon the education savings accounts enacted last year. It expands the amount of money that can be saved and expands its uses to include K–12.

About 14 million individuals are expected to sign up for these accounts by the year 2002. Contributions can be saved to cover college expenses or used when needed to pay for a wide range of education expenses during a student's elementary and high school years. Examples of eligible expenses include text books, computers, school uniforms, tutoring, advanced placement college credits, home schooling, after-school care and college preparation courses.

A tutor can make the difference between success or a student falling hopelessly behind.

A computer can open the world, as well as cyberspace to a child. Children growing up in homes with computers will be the achievers. I am afraid children growing up in homes without computers will be at a disadvantage. This bill will allow money from an education savings account to be spent on a computer, software, and lessons on how to use the computer.

The bill has several solid worthwhile provisions.

It raises the limits on annual contributions to an education IRA from $500 to $2,000 per year, and allows accounts to be used for K–12 expenses. The bill allows parents or grandparents to make the contribution in after-tax money each year.

The Accounts would grow with interest, and withdrawals for educational expenses would be tax-free. A+ accounts, as under current law, are targeted to middle income taxpayers. Eligibility phases out beginning at $95,000 for individuals and $150,000 for joint filers. Under these terms almost all New Mexicans would be eligible to set up one of these accounts.

The bill allows parents to purchase contracts that lock-in tomorrow's tuition costs at today's prices. This bill would make these savings completely tax-free.

Families purchasing plans would pay no federal income tax on interest build-up. Under current law, state-run programs allowed tax-deferred savings for college. However, savings in such plans, when withdrawn, are taxable as income to the student. This provision would benefit one million students.

Twenty-one states have created tuition plans. New Mexico has not yet implemented one but it does have a proposal under consideration. If the state finalizes it pre-paid tuition plan future students would be able to benefit. Prepaid tuition plans are a great way to secure the future.

The bill extends through 2002, the exclusion for employers who pay for their employees' tuition and expands the program to cover graduate students beginning in 1998. The exclusion allows employers to pay up to $5,250 per year for educational expenses to benefit employees without requiring the employees to declare that benefit as income and pay federal income tax on the benefit. One million workers including 250,000 graduate students, would benefit from tax-free employer-provided education assistance provision.

The bill also creates a new category of exempt facility bonds for privately-owned and publicly operated elementary and secondary school construction high growth areas. The bill makes $3 billion in school construction bonds over five years. This is enough to build 500 elementary schools.

I hope the Senate will complete its work quickly on this bill and that the President will sign it.

Mr. President, this education bill is a revolutionary education bill. When you look at it on its four corners as it has finally passed the Senate, it is not nibbling around the edges. It is asking we make some fundamentally different decisions about the Federal involvement in public education.

I am not sure everybody understands that the Federal Government's involvement is about 7 percent. So when we talk about our U.S. Government having an impact on education for kindergarten through 12, about 7 percent of the money spent in the public schools across this land comes from the Federal Government. That means 93 percent comes from the States, municipalities, counties, boroughs and the like.

From what I can tell, the Federal Government has been doing too much dictating for 7 percent of the resources that they give to the States, too much of a heavy hand trying to dictate outcomes with very little money. One of the worst examples of the Federal Government's involvement is when we decided we should help the disabled young people get into the mainstream of our public schools, a wonderful idea. Then we said we will pay 40 percent if you pay 60 percent. To this day, to this night as we stand here on the floor, the Federal Government has paid 9 percent, yet we impose regulations. The latest ones on the IDEA bill that implements our desire to help public education mainstream and educate disabled young people, this 9 percent has for many schools dictated such onerous mandates that some today are willing

to violate the law in order to get before a judge to show that some of what we are doing is so arbitrary that it is not even common sense.

Now, frankly, the revolution is twofold, as I see it. One, we are going to take a third of our public education money and say to our States: You have three options. You can take this one-third of our funding, a number of programs, and leave it just like it is. You can stay with these categorical programs where we put up a tiny bit of money. We have bureaucracy and regulations coming out of everybody's ears as we try to impact on education with a little sliver of money, with a marvelous purpose and goal attached to it. So, one, you can take it and keep it that way. The other is, you can say: State of New Mexico, State of Alabama, you send that money right to your school districts to be allocated to them proportionately and let them decide how to use the money in the best interests of their problems. Third is for the State to say: We will administer the money to the school districts and let them spend it the way we dictate. In all events, it is a marvelous research project. There is no downside for our kids.

What we are doing is not working. So for those who stand up and worry about this new change, what is working today? Things are getting worse. We just had a TIMMS report that looked at our math and science kids, and it said the following, plain and simple: Up to the 5th grade, we are doing great. From 5th to 12th, we go right off the log, like the Titanic, into the ocean.

We are at the bottom of the heap by the time the 12th grade arrives in the United States of America, the highest technology and science country in the world. We are sitting around worrying about one-third of the programs that we have been dumping on our school systems with highfalutin goals, and we are saying to the school systems that you can decide where to put that money. The other two-thirds we will leave the old way.

Now, that is a revolution worth putting right before the public and seeing what happens. The other one is a little bit of a movement in the direction of merit pay and expanded teacher education. Both of them are revolutionary ideas and neither of them will harm anyone—in particular, the young people of our country. The chances are they will help our young people.

I know the President is going to veto this bill, but I am as positive as anything that the change in public education from the U.S. Government will start with this bill. This bill is going to start a change that is going to be borderline revolutionary. We are either going to do more and accomplish more, or essentially we are going to find out why not.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield 7 minutes to the Senator from Massachusetts, Mr. KENNEDY.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 7 minutes.

Mr. KENNEDY. Mr. President, the Republican approach these days often seems to be "one ideology fits all." They want to privatize everything. They want to privatize Social Security, they want to privatize Medicare, and now they want to privatize education, and that would be their biggest mistake of all.

People ask why this bill is so important and why this debate has been so hard-fought. The answer is clear. This is not just another ordinary bill, or ordinary day, or ordinary vote in the life of the Senate. The Republican Party is making a massive mistake, a mistake of truly historic dimensions, if they turn their backs on public schools, if that is the clear signal they are sending the country by pushing this misguided bill, because its fundamental purpose is to aid private schools, not help public schools. We all know that public schools have problems, but our goal should be to fix those problems, not ignore them or make them worse.

Over the past few days, the Senate has had the opportunity to correct the defects in this bill and direct scarce resources to the public schools that have the greatest need. But at every turn Republicans have chosen to make this bad bill even worse. The bill uses tax breaks to subsidize parents who send their children to private schools, and it is a serious mistake. It diverts scarce resources away from public schools that have the greatest need. It undermines the important Federal role in education, and it bans voluntary national tests. It does nothing to improve public schools. It does nothing to address the serious need of public schools to build new facilities and to repair crumbling existing facilities. It does nothing to reduce class sizes in schools. It does nothing to provide qualified teachers in more classrooms across the Nation that will be needed. It does nothing to provide after-school activities to keep kids off the streets, away from drugs, and out of trouble. It does nothing to help children reach high academic standards. It does nothing to improve the quality of education for children in public schools.

On issue after issue, the Republican bill undermines Federal support for education, and that is irresponsible. We know what it takes to achieve genuine education reform. The place to start is by resoundingly rejecting this defective bill that destroys the national commitment to improving education for all students.

The challenge is clear: We must do all we can to improve teaching and learning for all students across the Nation. We must continue to support efforts to raise academic standards. We must test students early so we know where they need help in time to make that help effective. We need 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. We need after-school programs to make constructive alternatives available to students. We need greater resources to modernize and expand school facilities to meet the urgent need of schools for modern technology and up-to-date classrooms.

We cannot stand by and enact a regressive bill to help private schools at the expense of public schools. It is clear that our Republican friends are no friends of public schools. This Republican anti-education tax bill is wrong for education, it is wrong for America, and it is wrong for the Nation's future.

Public education is one of the all-time great achievements of our country. Education is the key that unlocks the golden door of opportunity. Great leaders of a century and more ago understood that. They understood what may be the greatest experiment of all in American democracy. They insisted on free public education for all, and in doing so they laid the solid foundation that made this country the most powerful and most successful nation on earth in this century. None of us—no Republican, no Democrat—should retreat from that basic bedrock principle. Yet, this unacceptable bill does that. It hangs a sign for all to see on the front door of every public school in America: Abandon hope, all ye who enter here. Get out while you can, public schools have failed. Find a private school that will take you in and we will subsidize the cost.

I categorically reject that view. Public schools have not failed. Public schools are still the backbone of American education, and they always will be. Let's solve their problems, not abandon them. Let's defeat this bill and make a fresh start to do all we can to help our public schools.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Would the Chair inform us as to the current status regarding time?

The PRESIDING OFFICER. The Democrats control 41½ minutes, and there are 8 minutes 49 seconds left for the Republicans. I heard some discussion earlier about yielding that back.

Mr. DASCHLE. Mr. President, it is my understanding that I am the last speaker on our side, and then we have one speaker left on the Republican side. It is with that understanding that I will yield such time now as I may consume.

First of all, let me begin by commending the distinguished senior Senator from Massachusetts for his eloquence again just now and for his remarkable leadership on this debate for the last several days. He has been our quarterback, and he has been a real inspiration to many of us. I thank him, and I thank all of our colleagues who have done so much to contribute to this debate, who have done so in a civil way, who have done so in an enlightened way, who have done so with every good intention about raising the level of debate and talking about these critical issues, recognizing the significant difference of opinion that exists between our parties on this important matter of national concern.

This debate started out as really a difference of opinion on how we commit about $1.6 billion in resources to education. I have noted in the past that I have great admiration for the Senator from Georgia and his interest in pursuing ways in which to improve to education. I differ with him strongly on this particular issue. We have noted on many occasions as we have made reference to his approach that the original design of this legislation did little to address the real problems we have in education. We have argued on this floor on many occasions whether, with $1.6 billion, we should give tax relief largely to those in the most successful quintile of our economic strata. I am told about $37 in tax benefits would go to the top 20 percent of income earners in our country.

The question is, is that the best way for our Federal Government to commit these hard-earned tax dollars? Should we provide that kind of tax relief, as laudable as the intentions might be and as a different an approach as it might be? Certainly we want to encourage saving. Certainly we want to find ways to reduce the overall cost to all American families of education. The question is, is this the right way? Is this the best way?

There are those who have argued that if you do not favor the status quo, that this is the approach we ought to be subscribing to. Mr. President, I have to say, probably of all the things that have been said on the Senate floor with regard to this issue and this debate, this is the one which perhaps I feel most vehement opposition to.

I am an ardent opponent of the status quo in many respects. I oppose simply accepting our current situation as fact. We know that there are things we can do, that we must do. In an information age, we cannot be content to simply sit back and say, yes, this is the best we can do. We can't be content when we are not number one when it comes to math and science. We can't be content when we know that there are people who are not getting a good education because we have not made the right commitments.

I defy anyone to challenge those of us who believe there is a better way than the underlying bill that somehow we are defending the status quo, because that could not be further from the truth. As evidence of that, I guess I would suggest, No. 1, that you look at the array of amendments that we have offered that would have changed the status quo, beginning with, first and foremost, the single most consequential reduction in property tax that we have considered on the Senate floor, at least in my lifetime. As much as $10 billion in potential property tax relief could have been part of this legislation. In my state of South Dakota, we could have reduced property taxes by as much as $25 million. If we had passed the Moseley-Braun amendment, we could have relieved the burden on state and local taxes, including property taxes, by $10 billion. We didn't have the votes. The majority voted against reducing property taxes by $10 billion. I want to change the status quo. That would have done it. That would have done it, in addition to recognizing the fact that three out of four school districts in this country have at least one school that is in dire need of repair.

I spoke to people in a school district not long ago who shared with me the fact that, when the winds in South Dakota exceed 40 miles an hour, the school has to be evacuated. When the winds in South Dakota exceed 40 miles an hour, they have to go home. We had a chimney that fell through the third floor of one of our schools in Hartford, SD. I could go on and on.

The fact is, we have an incredible problem with regard to infrastructure. While we legitimately commit, as we must, to highways, to bridges, to airports, and to the array of infrastructure challenges we have—and I am a strong supporter of the effort to do that—we ought to be committing to infrastructure for the most important part of our population, our children. You want to change the status quo? We should have voted to support the Moseley-Braun amendment. You want to support change in the status quo? We should have supported the after-school program supported and offered by the distinguished Senator from California. You want to change the status quo? We should have recognized that we have to go out and find over 100,000 new teachers in the next 3 years. That is real change in the status quo.

Now our Republican colleagues have come back with proposals of their own to change the status quo. As the senior Senator from Massachusetts has just acknowledged, the real question now is, do we privatize public education? Because that is exactly what we will do if this bill passes and is signed into law. We would privatize public education.

So while we started out with a bill that promised to do very little, we have ended up with one that would do real damage. We've gone from doing almost nothing for public education to doing serious damage to the fundamental appreciation of the importance in democracy of education as we have known it for 200 years. We do damage. If this legislation was ever signed into law, we would do serious damage, because we would abolish the promise of universal education for the people of the United States as we have known it. This promise has been largely responsible for the democracy that we have enjoyed with all of its richness. We would abolish all remedial education for disadvantaged children. We would abolish safe and drug-free schools. We would abolish the opportunities for schools to come to the people of the United States asking for assistance to acquire new technology in their classroom. We would abolish Goals 2000, which would set some goals for the whole country to achieve as we recognize the importance of the information age. We would abolish teacher training in math and science. We would abolish magnet schools. We would abolish school-to-work. We would abolish the ability to use voluntary national achievement tests in order to empower parents to find out just how their students are doing. The abolition of all of those tools and more are incorporated in what we are about to pass tonight.

Mr. President, this is a lost opportunity. Yes. But far more than that, during the debate on this bill, we have gone from doing little to doing damage—damage to our public educational system, damage to the opportunities that children all over this country ought to have when they walk into a classroom. We would abolish the national role in public education.

So the question tonight that we must ask ourselves is, do we support the continued role of public education, recognizing, as we do, the need to move beyond the status quo and fundamentally and radically find ways in which to improve upon the tradition of public education in this country? Do we do that? Or do we privatize education? Do we privatize it and take away whatever role the people of the United States have when we consider our educational challenges in the years ahead? That is the question.

I hope our colleagues will vote a resounding no on final passage of this bill.

I yield the floor.

Mr. ROTH. Mr. President, I'm pleased that we are moving toward passage of this significant bill. The importance of giving American families the resources and means they need to educate their children must be above politics.

Before I get into the specific benefits of the bill, let me remind my colleagues that with the exception of several school construction bond provisions—which were newly added this

year—all of the concepts in this bill should be very familiar.

Mr. President, these concepts should be familiar because we have already endorsed them. The base provisions in the bill—which include the increase in the maximum allowable contribution to an education IRA, the use of the IRA for elementary and secondary school expenses for public and private schools, the tax-free treatment of state sponsored prepaid tuition plans, and the extension of tax-free treatment for employer provided educational assistance—all received bipartisan support from the Senate as part of the Taxpayer Relief Act of 1997.

Despite this Senate support, these provisions were dropped from the bill during conference negotiations. Because of opposition from the Administration, these particular elements failed to be included in the final version of the Taxpayer Relief Act of 1997.

Today we will show our commitment to these provisions—and to enact what this body has already determined makes good sense for American families.

Mr. President, it is important to note that this tax bill is not designed to answer all of the education-related issues that face this country. Those issues are too varied and complicated to be addressed by the federal government. They need to be solved at the state and local level—by schools, teachers, and parents working together.

Instead, this bill is designed to build on the innovative concepts that have been introduced in the last few years. Our goal is to improve the tax code so that it provides the necessary incentives to help American families help their children. These are much needed tools.

Over the past 15 years, tuition at a four year college has increased by 234%. The average student loan has increased by 367%. In contrast median household income rose only 82% during this period and the consumer price index rose only 74%.

Our students—our families—need these resources to help them meet the costs and realize the opportunities of a quality education. The Senate recognized the importance of these provisions less than one year ago, voting in favor of them. I hope that my colleagues continue to recognize just how important they remain. The American people are counting on us.

The various provisions of this bill are important measures that will aid our students and parents.

The first major change in this bill increases the maximum education IRA contribution from $500 to $2,000. That increase is important on two levels. First, with the well-documented increase in education costs, it is essential that we provide American families with the resources to meet those costs.

I have long argued that it is essential to change the savings habits of the American people, and there are few things more important than the education of their children. Not only will saving in this way increase our investment capital, it will increase American's education capital as well. Anything that thwarts either of these objectives is short-sighted.

By using the tax code to encourage individual responsibility for paying for educational expenses, we all benefit. The expansion of the education IRA will result in greater opportunities for individuals to save for their children's education.

Mr. President, the next major change that this bill makes to education IRAs is that it allows withdrawals for education expenses for elementary and secondary schools and for both private and public schools.

As we recognized last year, it is a fundamental principle that a parent should have the right and the ability to make decisions about his or her child's education—to decide basic questions such as how the child should be educated and where the child should attend school.

This bill recognizes that just like for secondary schools, we should not establish a priority system where some elementary and secondary schools are favored over others. We should not forget that it is the taxpayer who funds the education IRA—that it is the parent who puts his or her hard-earned money into the education IRA.

Mr. President, it seems a matter of common sense, therefore, that the parent should be able to choose how to spend that money.

Mr. President, another provision in this bill makes state-sponsored prepaid tuition plans tax-free, not simply tax-deferred. This is a significant distinction, because it allows students to withdraw the savings that accumulate in their pre-paid tuition accounts without paying any tax at all. It means that parents have the incentive to put money away today and their children have the full benefit of that money, without any tax, tomorrow.

As I have already mentioned, forty-four states have pre-paid tuition plans in effect, and the other six are in the process of implementing such plans This means that every member of the Senate has parents and students back home who either benefit from this plan right now, or will benefit from this plan soon.

Mr. President, the Coverdell bill also extends tax-free treatment of employer provided educational assistance for graduates and undergraduates through the year 2002.

This particular program is a time-tested and widely used benefit for working students. Over one million workers across America receive tax-free employer provided education. This allows them to stay on the cutting edge of their careers. It benefits not only them, individually, but their employers and the economy as a whole. With the constant innovations and advancing technology of our society, it is vitally important that we continue this program.

The various provisions that I have just described are all ones that members of this body approved last year. They made sense then. They certainly continue to make sense today.

Mr. President, the Coverdell bill does even more than address the costs of attending school. In response to concerns from Members on both sides of the aisle, the Finance Committee agreed on some measures to provide targeted relief in the area of school construction.

The first provision is directed at high growth school districts. It expands the tax-exempt bond rules for public/private partnerships set up for the construction, renovation, or restoration of public school facilities in these districts. In general, it allows states to issue tax-exempt bonds equal to $10 per state resident. Each state would be guaranteed a minimum allocation of at least $5 million of these tax-exempt bonds. In total, up to $600 million per year in new tax exempt bonds would be issued for these innovative school construction projects.

This provision is important because it retains state and local flexibility. It does not impose a new bureaucracy on the states and it does not force the federal government to micro-manage school construction.

Mr. President, there is a second bond provision in this bill. That provision is designed to simplify the issuance of bonds for school construction. Under current law, arbitrage profits earned on investments unrelated to the purpose of the borrowing must be rebated to the Federal government. However, there is an exception—generally referred to as the small issuer exception—which allows governments to issue up to $5 million of bonds without being subject to the arbitrage rebate requirement. We recently increased this limit to $10 million for governments that issue at least $5 million of public school bonds during the year.

The provision in the Coverdell bill increases the small issuer exception to $15 million, provided that at least $10 million of the bonds are issued to finance public schools.

Mr. President, it is clear that the Coverdell bill contains numerous important provisions for the American family. As I have said already, many of these measures are ones that the Senate passed last year.

Anyone—students or parents—who is on the front line dealing with the costs of a quality education, must have been disappointed last year when we failed to give them all the tools that they

needed. American families understand the need for these measures. They have now been waiting for a year. I am pleased today that we will, once again, address the needs of American families and students. I urge my colleagues to support the Coverdell bill.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I thank my colleagues on the other side of the aisle who made so many eloquent statements on behalf of the underlying bill. As is obvious, this has not been easy for them. They have been at odds with their Members in the caucus. We all understand that takes considerable courage. The Senator from Delaware, who explained the dilemma that he faced—and that I accept, but I appreciate his comity and the efforts to work through this long journey very much, even though he cannot vote with us at this point.

To my adversary, the other manager, it has been a very civil debate. We even ended up in agreement on the reading excellence amendment. I appreciate the comments that came.

I would particularly like to associate myself with the remarks of the distinguished Senator from West Virginia, a very moving statement. It reminded me of my father. That is another relationship. He began his career as a coal truck driver in the Midwest. But when the Senator from West Virginia described the schoolroom in which that excellent mind of his was educated, I wish everyone could have heard it. While we all want excellent facilities, it isn't necessarily the key component in education. His came from a two-room building with two buckets of water. My dad's was one room. It likewise had no heat nor facilities. But that is for another day. I would admonish everybody to read the speech, though.

Mr. President, the underlying bill is focused on children. In all these debates, sometimes it is buildings, it is tax policy, but at the end of the day what we are talking about is the desire of all of us to have the youth of our country be given a chance to fully participate in the greatest democracy in the history of the world.

At one point in the debate I indicated that an uneducated mind is not capable of enjoying the full benefits of American citizenship and an uneducated people cannot and will not remain free. A core stanchion of American liberty envisions a citizen who can think well and participate. When we deny them those opportunities, as the Senator from West Virginia indicated we have been doing in growing numbers, we are condemning these people to something less than full American citizenship. The first thing they are denied is economic liberty. And when they are denied economic liberty, which is the second stanchion of American freedom, they are pushed to the periphery of society and before long they are pushed into those components of society that are a risk to the safety of persons and property, another component of American liberty.

So at the center of maintaining our democracy is the duty for each generation to make sure that all of its youth are capable of participating in American citizenship.

It has been alleged that public education is being abandoned here. I would like to point out that of the economic underpinnings of this bill, over 90 percent of it supports public education, whether it is school construction, whether it is assistance through an education savings account to come to students that attend public schools, whether it is support of all of our public institutions in State prepaid tuition policy, whether it is aiding employers in continuing education for their employees. A very small component, albeit a meaningful component, of the funding of this bill deals with helping families whose children are in private schools. But it is simply wrong to characterize this as abandoning public education. Far from it. It is one of the most significant new energies behind public education we have seen in a long time here.

Just to reiterate—we talked about these children—there are about 53 million children in our elementary and secondary schools. The Joint Tax Committee has repeatedly said that 14 million American families will be beneficiaries of the savings account. That means nearly half of the entire population in elementary and secondary schools will receive some benefit. We also know that because of the work to help prepaid State tuition, a million university students will be helped. And we know 250,000 graduate students will benefit from these programs that we are talking about here today, that 1 million American employees will benefit from helping employers assist them in continuing education, and that at least 500 new schools in high-population areas and rural areas will be helped here.

This is a very large piece of legislation affecting literally millions of Americans across the country on the basic belief that an educated mind is an absolute essential requirement for full citizenship in this American democracy.

Mr. President, I know we have had our differences. I think this is the beginning of a long debate. It could be upwards to a decade. I am pleased that the minority leader has agreed that the status quo is unacceptable. If we have at least achieved that, it has been a major breakthrough.

In closing, I thank all of my colleagues on both sides of the aisle for an incredible amount of patience. The hour is near.

On behalf of the leader, for the information of all Senators, these next two votes will be the last votes of the evening. The Senate will convene tomorrow at 10 a.m. and debate the State Department reorganization conference report under the parameters of the consent agreement of March 31. However, no votes will occur during Friday's session of the Senate.

On Monday, the Senate will debate the NATO treaty beginning at 12 noon. It is the leader's hope that we will have vigorous debate and, hopefully, even have a few amendments offered on Monday.

I announce to my colleagues that the next vote will occur at 5:30 p.m. on Monday, April 27.

Mr. President, I ask for the yeas and nays on final passage of the education bill.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The PRESIDING OFFICER (Mr. ALLARD). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 102 Leg.]

YEAS—56

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

NAYS—43

Akaka	Feinstein	Levin
Baucus	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Bryan	Inouye	Reed
Bumpers	Jeffords	Reid
Chafee	Johnson	Robb
Cleland	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Specter
Dodd	Kohl	Wellstone
Dorgan	Landrieu	Wyden
Durbin	Lautenberg	
Feingold	Leahy	

NOT VOTING—1

McCain

The bill (H.R. 2646), as amended, was passed.

Mr. COVERDELL. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

ACKNOWLEDGING THE HISTORIC NORTHERN IRELAND PEACE AGREEMENT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of Senate Concurrent Resolution No. 90.

The Senate continued with the consideration of the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), the Senator from Utah (Mr. BENNETT), and the Senator from Kansas (Mr. BROWNBACK) are necessarily absent.

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—97

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

NOT VOTING—3

Bennett	Brownback	McCain

The concurrent resolution (S. Con. Res. 90) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 90

Whereas the people of Ireland have experienced civil conflict throughout their history with the latest phase, known as The Troubles, ongoing for the last thirty years;

Whereas this tragic history has cost the lives of thousands of men, women, and children, and has left a deep and profound legacy of suffering;

Whereas the governments of the Republic of Ireland and the United Kingdom have endeavored for many years to facilitate a peaceful resolution to the conflict in Northern Ireland; and such efforts, including the 1985 Anglo-Irish Agreement, the 1993 Joint Declaration, and the 1995 New Framework for Agreement, were important milestones in guiding the parties toward a political agreement;

Whereas the announced cessation of armed hostilities in 1994 by the Irish Republican Army and the Combined Loyalist Military Command created the opportunity for all-inclusive political discussions to occur;

Whereas representatives from Northern Ireland's political parties, pledging to adhere to the principles of non-violence, commenced all-party talks in June 1996, and those talks greatly intensified in the Spring of 1998 under the chairmanship of former United States Senator George Mitchell;

Whereas the active participation of British Prime Minister Tony Blair and Irish Taoiseach Bertie Ahern was indispensable to the success of negotiations;

Whereas the support and encouragement for the Northern Ireland peace process by President Clinton, on behalf of the United States, was also an important factor in the success of the negotiations;

Whereas on April 10, 1998, the political parties, together with the British and Irish Governments successfully concluded the Northern Ireland Peace Agreement;

Whereas people throughout the island will have an opportunity to approve or reject the final agreement during the May 22 referendums;

Whereas the British and Irish Governments have committed to making the necessary constitutional and other legal changes necessary to bring the agreement into effect after the referendum approval processes have been concluded: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), that it is the sense of the Congress that—

(1) All of the participants in the negotiation deserve congratulations for their willingness to make honorable compromises in order to reach an agreement that promises to end the tragic cycle of violence that has dominated Northern Ireland for decades;

(2) Prime Minister Tony Blair and Taoiseach Bertie Ahern deserve particular credit for their leadership and constant encouragement in support of the peace process;

(3) The American people can be especially proud of the contributions made by the United States in the quest for peace, including President Clinton's vision and determination to achieve peace in Northern Ireland and his personal commitment to remain an active supporter throughout the process;

(4) All friends of Ireland owe a lasting debt of gratitude to Senator George Mitchell for his dedication, courage, leadership, and wisdom in guiding the peace talks to a successful conclusion.

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

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

MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business.

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

COMMEMORATING THE U.S. HOLOCAUST MEMORIAL MUSEUM

Mr. DASCHLE. Mr. President, today is a holy day, Yom Hashoah. It is a day set aside every year to remember the victims of the Holocaust.

I had the privilege of starting this Yom Hashoah morning with an extraordinary group of people, the Founders of the U.S. Holocaust Memorial Museum. Founders are men and women from across America who have given at least $1 million to the Holocaust Museum.

This week, as we mark the fifth anniversary of the opening of the museum, it seems an especially appropriate time to recognize the incredible gift the Founders, and all the museum's supporters, have given our nation.

We are indebted to them all—particularly to Miles Lerman, chairman of the museum council, and Ruth Mandel, the council's vice chair, and to my dear friend Abe Pollin, the chairman of this year's Founders Reunion.

One of the sages of the Torah told us more than 200 years ago that God could have created plants that would grow loaves of bread. Instead, he created wheat for us to grow and mill and transform into bread. Why? Because He wanted us to be able to take part in the miracle of creation.

That is what the Holocaust Museum Founders have done. They used stone and steel and sacred artifacts, rather than wheat. But they have unquestionably experienced the miracle of creation.

Simon Dubrow, the great Jewish historian, was one of the 6 million Jews murdered in the Holocaust. He was killed in the Latvian ghetto of Riga by a Gestapo officer who had once been his student. His dying words were "Schreibt und farschreibt." "Write and record." He believed to the end that truth and memory ultimately would triumph over the evil of the Holocaust.

Through the leadership and generosity of the Holocaust Museum Founders, his prediction has come true. Many in Congress remain in awe of the fact that the U.S. Holocaust Memorial Museum has raised $320 million since its inception. That's a part of the museum's story that isn't fully known or appreciated.

The Holocaust Museum has not only demonstrated that public/private partnerships can work—it has set the

standard for such partnerships. Much has changed since that bitter cold, rainy day 5 years ago when the Holocaust Museum was dedicated.

Before the museum opened, I understand that the most optimistic estimates were that 700,000 people a year would walk through its doors. That first year, and every year since, I am now told, 2 million visitors have come to the museum—5,000 people every day. Before the museum opened, I well remember that there were some who questioned whether it should be built on the National Mall, since the Holocaust did not take place in our country.

Today, the Holocaust Memorial Museum is a fundamental part of this city. Not only does it belong on the Mall, but it gives a deeper meaning to the other great memorials there. Ask anyone who has been through the museum and they will tell you. The Washington Monument and the Lincoln Memorial have never looked so beautiful—and freedom and democracy have never seemed as precious—as they do when you emerge from the darkness of that extraordinary building.

Elie Weisel has said, "Survivors are understood by survivors only. They speak in code. All outsiders could do was come close to the gates." That is what the Holocaust Memorial Museum allows us to do: to come close to the gates; to see; to grieve; and, finally, to learn, so that we can pass the knowledge on from, generation to generation, about what can happen when intolerance and hatred are allowed to spread unchecked.

Elie Weisel is right. We cannot walk on the shoes of the victims, or the survivors. But we can see their shoes—that heartbreaking room full of dress shoes and work boots and baby shoes. And it is one of the many paradoxes of the museum, that in looking at something as simple as those shoes, we can begin to feel the profound tragedy of that terrible time.

Anyone who has been there knows, the Holocaust Museum is not an easy place to visit. The images in it are not images of beauty, but of incomprehensible evil. People always spend longer in the museum than they expect. And they leave shattered. But they also leave changed. It is one of the few museums in the world that has the capacity to change people fundamentally.

It teaches many lessons. One of the most profound lessons is about the horrors that can be unleashed when we deny the basic humanity of even one person. Another is what can happen to democracy when we are not vigilant in its protection.

The museum also teaches us about the necessity of leadership dedicated to preventing intolerance, hatred and oppression. For members of Congress, that is an especially important lesson. And the presence of the museum on the mall is a constant reminder of it.

Perhaps the most dramatic example of its influence on Congress was 2 years ago, when we debated how the United States should respond to the horrors in Bosnia. There were times during that debate when it was as if the victims of the Holocaust were looking down from the Senate galleries, reminding us of the moral imperative: Never again. I doubt we would have felt their presence so strongly, had it not been for the museum.

But evil is not always as obvious as it was in Bosnia, or Rwanda, or Pol Pot's Cambodia. The Holocaust Museum reminds us that the early warning signs are more subtle—and, often, closer to home. That lesson is particularly important for people who are entrusted to write the laws that guide this great nation.

When you walk down that first long, dark corridor, and see the step-by-step dismantling of German democracy, you understand in a deeper way why we must never again allow books to be burned, or laws to be written that permit discrimination and expropriation.

The last time I visited the museum I stopped on the way out to read what people had written in the "comments" book. None of the comments was very long. The museum has a way of leaving many people without words for a while.

Among the short messages, there were two that especially stood out. Both were written in what appeared to be the handwriting of teenage girls. One said, "The museum taught me the meaning of democracy." The other said simply, "I will remember this for the rest of my life." What an extraordinary gift the Founders have given those young women, and everyone else who has visited these first 5 years!

I understand the museum is now taking advantage of the Internet and other new technologies so that people in my home state of South Dakota, and all over the world, can "visit," even if they can't come to Washington. I've been told the website gets 100,000 hits a day! That's most impressive.

By reaching out in this way, the museum is not only fulfilling our moral responsibility to "write and record" the story of the Holocaust and its victims. It is also creating a stronger America. And, in the process, it is redefining what museums, and public-private partnerships can be, and what they can accomplish.

The poem that is written on the wall behind the shoes declares, "We are the shoes. We are the last witnesses." In the 5 years since the museum opened, 10 million new witnesses have been created—one for every person who perished in the Holocaust. Five years from now, there will be 10 million more. And, like the young woman who signed the book, each of them will be remembered for the rest of their lives.

The Founders, and all the supporters of the Holocaust Museum, have indeed taken part in the creation of something very, very rare. Today, on this holy day of Yom Hashoah, as we remember the victims of the Holocaust, the Congress and the people of the United States thank them.

90TH ANNIVERSARY OF THE ARMY RESERVE OF THE UNITED STATES

Mr. THURMOND. Mr. President, for the past week, the United States Army Reserve has had a number of events to help celebrate the 90th anniversary of their founding. Appropriately, the United States Senate, led by Senator Helms who was joined by 28 of our colleagues, passed a resolution last night commending the Army Reserve and its citizen-soldiers on an impressive heritage and on the invaluable contributions they have made to keeping the United States free and safe.

As a former Army Reservist, I was naturally interested in reading this resolution and I am certain you can imagine my surprise when I discovered that it was also a tribute to me and the service I rendered the United States as a Soldier. I was, and am, humbled and flattered by this very touching gesture, you have touched the heart of this old "trooper", and I thank each of you for your kind act.

I join each of you in commending all those who have served in the Army Reserve throughout its 90-year history, particularly those men and women who serve today. In this era of skrinking force structure and defense budgets, we will increasingly rely on our reserve forces to meet the security and foreign policy goals of the United States. We should be grateful that there is no shortage of patriotic Americans willing to endure the hardships and demands of reserve service, we are all better off their efforts. I am certain that I speak for the entire Body when I say that we appreciate and value the work and contributions of the Soldiers of the Army Reserve and stand ready to assist them however we can.

IN HONOR OF FORMER SENATOR TERRY SANFORD

Mr. HOLLINGS. Mr. President, today, as it has for the past three days, the South mourns the passing of one of its greatest leaders. Terry Sanford, former Governor of and United States Senator from North Carolina, passed away on Saturday, April 18, 1998.

From 1961 to 1965, Governor Sanford forged a remarkable record as one of America's most progressive governors. His great passions were education, civil rights, and social justice. Perhaps his bravest act as Governor, and the one that posed the greatest political risk, was to encourage the people of North Carolina to accept the winds of change that swept the South during the 1960s.

In a 1963 speech, for example, he implored the people of North Carolina to

end job discrimination against blacks and announced the creation of a biracial panel, the North Carolina Good Neighbor Council, to work toward that end. He also appointed many black North Carolinians to important positions in his administration and publicly supported school integration.

The other hallmark of Governor Sanford's administration was his commitment to education. He pushed state lawmakers to provide more money to schools and laid the foundation that has helped make the North Carolina higher education system one of the best in the world. As a true intellectual and lover of the humanities, Terry Sanford understood the importance of ideas for their own sake. But he also was a practical man, and he realized that a well-educated populace is crucial to attracting new corporations and creating good jobs. Thanks to his vision, North Carolina now is home to one of the best-educated populations in the nation, and it is a leader in creating high-paying, high-tech jobs.

From 1969 to 1985, Senator Sanford was President of Duke University. He was one of that institution's most vigorous and successful presidents, inspiring loyalty and love among faculty and students and helping the University increase its endowment and improve its resources. As President of Duke, Terry Sanford did great things for not just the students, but all the people of North Carolina. Under his hand, Duke joined North Carolina State and the University of North Carolina as part of the vaunted Research Triangle, which has generated high-tech jobs for North Carolina and helped the state secure a reputation as one of the best locations in the country for companies and their workers. President Sanford dedicated himself completely to Duke; he was driven to serve the school by the same passion for education and material and intellectual progress which had guided his governorship.

Discontent with the direction in which our nation was headed and the seemingly intractable problems that had beset the political process drove Senator Sanford to offer himself for the Democratic nomination for President in 1972 and 1976. Although both his candidacies were unsuccessful, Terry ran with conviction and courage. Above all, he ran to oppose those who offered no alternative to confusion other than darkness, who would have replaced idealism with cynicism, and who practiced the politics of division rather than unity.

Terry Sanford achieved national office in 1986, when the people of North Carolina elected him to the United States Senate. During his term, Senator Sanford was one of the ablest and most conscientious legislators this body has ever seen. He maintained his well-deserved reputation for decency, integrity, and intelligence; continued to show great interest in education and social policies; and never flagged in his commitment to the public good.

After being narrowly defeated for reelection in 1992, Senator Sanford returned to Duke University, where he taught courses on public policy and government. As an outstanding educator, he continued to enrich his students' lives and devote himself to the dissemination of knowledge.

Mr. President, Terry Sanford's death is a loss for North Carolina, this nation, and this Senate. He embodied the best of public service and education. His tremendous accomplishments were recognized and appreciated for over 30 years by the people of North Carolina. Increasingly, they have been recognized throughout the nation as well. In 1981, for example, a Harvard University study named Terry Sanford one of the ten best governors in the nation in this century. This was high praise, but Terry surely deserved it.

With his passing, our nation has lost one of its most tireless public servants. We in the Senate have lost a cherished colleague and loyal friend. Fortunately for us all, Terry Sanford's legacy will live on in the educational institutions of North Carolina to which he gave so much and in the example he set for those of us who aspire to public service.

Mr. President, of everything that has been said and written about our dear friend Terry Sanford, no one has said it better than Governor Jim Hunt of North Carolina, in the eulogy he delivered at Senator Sanford's funeral. At this time, Mr. President, I ask unanimous consent that Governor Hunt's eulogy be printed in the RECORD.

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

EULOGY BY GOV. JIM HUNT AT THE MEMORIAL SERVICES FOR TERRY SANFORD, APRIL 22, 1998

In the words of a great Methodist hymn: "Oh, for a thousand tongues to sing our Great Redeemer's praise."

Indeed, our thousand tongues are here today to praise our Redeemer and one of His most magnificent gifts to the people of our state and our nation.

I know that I speak for many of you when I say very simply: Terry Sanford was my hero.

I'm sure that Terry Sanford has already had his orientation with the Lord. And it is not a one way conversation. And I suspect that by now he has almost certainly given the Lord a few good ideas for improving Heaven.

At a time when we struggle about whether government should act, let us remember the words of an uncommon man who could think great thoughts and make them a reality. In one of his books, Terry wrote:

"Indeed, if government is not for the express purpose of lifting the level of civilization by broadening the opportunities in life for its people, what is its purpose?"

And he added:

"Government is not something passive, not our kind of government. It has built into it the spirit of outreach, the concern for every individual. Look at the verbs in the Constitution's Preamble—establish, insure, provide, promote, secure. All these connote action, and all suggest that we must constantly be striving to improve the opportunities of our people."

And act he did. Strive to improve opportunities for our people he did.

Imagine what North Carolina would be like if we had not had Terry Sanford striving for us these many years.

Imagine what North Carolina would have been like in the 1960s if we had not had a Governor who believed in bringing people of all races together. If we'd had a Governor like other states' who appealed to the worst rather than the best in us. Imagine no Terry Sanford.

Imagine what North Carolina would be like without the Research Triangle Park. Imagine no Terry Sanford.

Imagine what North Carolina would be like without the community college system or the School of the Arts. Imagine no Terry Sanford.

Imagine what North Carolina would be like had he not set national excellence as the goal for this great university—and for that other one just up the road. Imagine no Terry Sanford.

Imagine what North Carolina's schools would be like if a great Governor hadn't had the courage to pass a tax for school improvements—an act of courage that cost his own political ambitions dearly. Imagine no Terry Sanford.

It is truly unimaginable. You cannot imagine North Carolina without Terry Sanford.

Forty years ago, no one could have imagined what North Carolina would become.

No one, that is, but Terry Sanford.

He once wrote:

"The governor, by his very office, embodies his state. He stands alone at his inauguration as the spokesman for all the people. His presence at the peak of the system is unique, for he must represent the slum and the suburb, his concerns must span rural poverty and urban blight. The responsibility for initiative in statewide programs falls upon the governor. He must energize his administration, search out the experts, formulate the programs, mobilize and support and carry new ideas into action."

Terry, you set the goals and our sights very high. So high that we often wonder if we can meet your standard. But your good works, your words and your spirit tell us every day, in every way, that the goal can be ours. That the struggle is worth it.

When we leave today, we will leave the body of our hero in this chapel. We leave it here because no other structure is sufficiently magnificent to serve as the final resting place for a life as magnificent as his.

But while we leave his body here to rest, the evidence of his good works is and will be everywhere around us—in the institutions he led, in the innovations he championed, in the individuals he touched and, most of all, in the spirit of everyone here today and everyone in this state. And so it will be for every generation yet to come.

For all that North Carolina has become and will be, Terry, we thank you.

God bless this place. God bless this family. And thank God for the magnificent blessing of giving North Carolina Terry Sandord.

90TH ANNIVERSARY OF THE UNITED STATES ARMY RESERVE

Mr. SESSIONS. Mr. President, I rise this evening to congratulate the

United States Army Reserve on its 90th anniversary and to recognize the contributions of my good friend STROM THURMOND who served in the Reserves for 36 years.

Many of you know Senator THURMOND's distinguished record in war and in peace and the contributions he has made to this institution. He, like the thousands of soldiers in the Army Reserves today, is an example of the best in America.

Some years ago, I was a Judge Advocate General (JAG) officer in the United States Army Reserve. I served for thirteen years in one of our 82 Alabama Reserve units and organizations, located in one of 19 cities and in 24 Reserve Centers spread across Alabama. Today, Alabama is home to approximately 7000 Army Reservists representing nearly 3½% of the total Army Reserve Force. I am particularly proud of the fact that we have the 81st Regional Support Command and the 87th Division (Exercise) headquartered in Birmingham, a unit which commands and controls soldiers in a number of surrounding southern states.

Like any major element of the Armed Forces, America's Army Reserve has a great history. Let me share just a small portion of that history: Created by statute on April 23, 1908, first of the Federal reserve forces created by Congress, a trained and ready force of citizen soldiers bringing relevant skills into the military, an integral part of today's global power projection strategy, a force which deploy's 20,000 reservists to 50 countries annually, a force which has mobilized and deployed 70% of the reserve forces to Bosnia for Operation Joint Guard, a force which contributed over 90,000 soldiers to Operation Desert Storm, one of which was my Chief of Staff, Armand DeKeyser, and a force which is found in all 50 states, U.S. territories, in Europe and in the Pacific region.

Mr. President, we have much to be proud of in America tonight. We can add to that list the United States Army Reserve whose birthday we quietly celebrate. Happy Birthday to the men and women of the Army Reserves. Men and women who quietly man the ramparts of freedom. You are always there when America needs you. For this act of selfless devotion, we as a nation ought to be truly grateful.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, April 22, 1998, the federal debt stood at $5,521,690,068,621.47 (Five trillion, five hundred twenty-one billion, six hundred ninety million, sixty-eight thousand, six hundred twenty-one dollars and forty-seven cents).

One year ago, April 22, 1997, the federal debt stood at $5,340,281,000,000 (Five trillion, three hundred forty billion, two hundred eighty-one million).

Five years ago, April 22, 1993, the federal debt stood at $4,228,121,000,000 (Four trillion, two hundred twenty-eight billion, one hundred twenty-one million).

Ten years ago, April 22, 1988, the federal debt stood at $2,499,356,000,000 (Two trillion, four hundred ninety-nine billion, three hundred fifty-six million).

Fifteen years ago, April 22, 1983, the federal debt stood at $1,244,297,000,000 (One trillion, two hundred forty-four billion, two hundred ninety-seven million) which reflects a debt increase of more than $4 trillion—$4,277,393,068,621.47 (Four trillion, two hundred seventy-seven billion, three hundred ninety-three million, sixty-eight thousand, six hundred twenty-one dollars and forty-seven cents) during the past 15 years.

CHIEF HAROLD BRUNELLE OF THE HYANNIS FIRE DEPARTMENT

Mr. KENNEDY. Mr. President, the Hyannis Fire Department recently honored Harold S. Brunelle of Hyannis by appointing him as Fire Chief. This honor is a well-deserved tribute to Chief Brunelle, his 26-year career with the Department, and his commitment to the community of Hyannis.

Chief Brunelle was chosen after nation-wide competition for the position of Fire Chief, and he was selected unanimously for the position in a field of 34 applicants.

Chief Brunelle joined the Hyannis Department in 1972 as a Junior Firefighter and rose through the ranks because of his great ability and dedication. His selection as Fire Chief demonstrates the town's confidence in Mr. Brunelle and their faith in his able service and leadership to the residents of the community.

Hyannis and Massachusetts are proud of Harold Brunelle's appointment as Fire Chief. I congratulate him on this distinction, and I look forward to working closely with him in the years ahead.

TRIBUTE TO BONNIE SUE COOPER

Mr. ASHCROFT. Mr. President, I rise today to recognize a tremendous individual who exemplifies citizenship, character, and service to humanity, Missouri State Representative Bonnie Sue Cooper.

On December 5, 1997, Missouri State Representative Bonnie Sue Cooper finished her tenure as the National Chairwoman of the American Legislative Exchange Council (ALEC). Representative Cooper accomplished a great deal during her tenure as Chairwoman of ALEC. She succeeded in strengthening ALEC's policy-making operations. She also heightened ALEC's profile among both legislators and the private sector. ALEC thanked Representative Cooper for her hard work by choosing her as the 1997 recipient of the Thomas Jefferson Freedom Award. The gratitude bestowed on Representative Cooper for her excellent service and commitment to principle is reflected in the award. Previous recipients of this prestigious award include former President Ronald Reagan.

While Representative Cooper's tenure as Chairwoman of ALEC has ended, her legacy to this important organization of State Legislators lives on. It is an honor to commend Representative Cooper for her service to the American Legislative Exchange Council.

CHILDREN'S MENTAL HEALTH WEEK

Mr. ASHCROFT. Mr. President, I rise today to recognize Children's Mental Health Week which will be held the week of May 4–10. "Putting Our Voices Together For Children" is the theme of 1998's Children's Mental Health Week. The Missouri Department of Mental Health and the Missouri Statewide Parent Advisory Network will serve as co-sponsors of the week; these organizations were instrumental in the establishment of the first ever Children's Mental Health Week in 1992.

Children throughout the United States have been diagnosed with emotional and behavioral disorders. And yet, some estimate that only one third of the children are able to receive proper treatment and care. The reason for Children's Mental Health Week is to provide our communities with additional information and understanding of these disorders. The week serves to help spread valuable information that will ultimately aid our children and our future.

During Children's Mental Health Week, green ribbons will be circulated throughout cities to spread the message of support for our children. Numerous events will be hosted to honor Children's Mental Health Week, as well as a two day conference for the spread of further information on children with mental health problems. The week will conclude with an awards ceremony to thank those who make a difference in working for children with emotional and behavioral disorders.

I would like to thank all the diligent workers who have dedicated their time and energy to help the children who suffer from mental disorders. My best wishes of support and gratitude are extended to the organizers of Children's Mental Health Week.

THANKING AILEEN ADAMS FOR HER SERVICE AS DIRECTOR OF THE DEPARTMENT OF JUSTICE OFFICE FOR VICTIMS OF CRIME

Mr. LEAHY. Mr. President, this year we have had to say farewell to Aileen Adams as she leaves the post of Director of Department of Justice Office for

Victims of Crime (OVC) and returns to California. Three years ago, Aileen was appointed by the President and confirmed by the Senate. During her time in Washington, I worked with Aileen and OVC on a number of matters and came to know Aileen as a dedicated advocate for crime victims. Her vision and dedication have been extraordinary. Aileen will be sincerely missed, although her legacy will benefit victims of crime for years to come.

Before coming to the Department of Justice, Aileen had served as the legal counsel for the Rape Treatment Center at Santa Monica Hospital for 10 years. In that position, Aileen demonstrated her leadership and innovation with the creation of Stuart House, an interagency center for sexually-abused children.

As Director of OVC, Aileen focused on assisting local and state crime victim programs around the country and improving crime victims services in the federal system. Aileen's leadership has helped over two million crime victims across the country and around the globe. In just this past year, OVC has administered over $528 million and supported more than 2,500 victim assistance programs.

Aileen's dedication has impacted rural areas such as Vermont. She has helped sharpen the focus on rural crime and domestic violence and supported a rural crime initiative which will study and enhance services available to rural crime victims.

Among the victim assistance programs pioneered by Aileen was the establishment of the National Victim Assistance Academy last year. This Academy provides training on victims' rights and services and draws upon expertise of professionals ranging from law enforcement officers to rape crises counselors. Over 200 victim advocates and professionals have graduated from the Academy and have taken their skills back to their communities, where they continue outreach work for the benefit of victims.

Under her leadership, a group of international experts joined to draft a manual to implement the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. Among other things, this manual is a step toward ensuring that crime victims are treated fairly and that they are assisted throughout the globe.

I had the opportunity to work with Aileen and the many dedicated members of her staff on a number of matters over the last few years. In the aftermath of the bombing of the Murrah Federal Building in Oklahoma City, Aileen and OVC were among those immediately on the scene to provide assistance to the victims. Together we have found ways to extend and expand that victims assistance over time and to enact legislation to allow victims and their families greater opportunity to attend and observe the trials of those charged in connection with that horrendous crime.

We worked together on the Victims of Terrorism Act that I added to the bill passed by the Senate in June 1995, in the wake of the Oklahoma City bombing, to improve our law recognizing the rights and needs of victims of crime. We also worked on the Justice for Victims of Terrorism Act that was enacted in April 1996. We were able to make funds available through supplemental grants to the States to assist and compensate victims of terrorism and mass violence, which incidents might otherwise have overwhelmed the resources of Oklahoma's crime victims compensation program or its victims assistance services. We also filled a gap in our law for residents of the United States who are victims of terrorism and mass violence that occur outside the borders of the United States.

In addition, we allowed greater flexibility to our State and local victims' assistance programs and some greater certainty so that they can know that our commitment to victims programming will not wax and wane with events. Accordingly, we enacted an important provision to increase the base amounts for States' victims assistance grants to $500,000 and allowed victims assistance grants to be made for a 3-year cycle of programming, rather than the year of award plus one, which was the limit contained in previous law. We were able to raise the assessments on those convicted of federal crimes in order to fund the needs of crime victims.

We worked to improve the church burning legislation and to increase the stability to victim assistance and victim compensation program funds.

Aileen was helpful in consulting with me and other Senators on the Judiciary Committee on the victims provisions of S. 15, a youth crime bill, so that the rights of victims of juvenile crime to appear, to be heard and to be informed would be protected. Those provisions have now been incorporated in the juvenile crime bill ordered reported by the Judiciary Committee.

In addition, Senator KENNEDY and I incorporated a number of her suggestions in S. 1081, the "Crime Victims Assistance Act." That bill would reform the Federal Rules and Federal law to establish additional rights and protections for victims of federal crime. In particular, the legislation would provide crime victims with an enhanced right to be heard on the issue of pretrial detention, on plea bargains, at sentencing, on probation revocation, and to be notified of a defendant's escape or release from prison. The legislation goes further than other victims rights proposals that are currently before Congress by including enhanced penalties for witness intimidation, an increase in Federal victim assistance personnel, enhanced training for State and local law enforcement and officers of the Court, development of state of the art systems for notifying victims of important dates and developments in their cases, and the establishment of ombudsman programs for crime victims.

I know that crime victim advocates in Vermont join me in thanking Aileen for her service. I was delighted that Aileen could come to Vermont to keynote the restorative justice conference in Vermont last June. Our Vermont advocates are well aware of the extraordinary efforts at OVC and have worked with OVC to create greater opportunities for rural programs. With support from OVC, Vermont has been able to implement its victims programs for outreach to underserved populations and coordinate among providers and allied professionals.

I was especially proud when the recent site visit to Vermont resulted in the Justice Department concluding that "Vermont's programs are setting the standard for outreach to under served populations and service coordination among providers and allied professionals."

Aileen Adams has dedicated her service to the needs of crime victims. She has made a difference. She has improved federal programs for victims of domestic violence, victims of terrorism, and crime victim assistance generally. She has helped create a strong funding source for crime victim compensation and assistance programs. She has worked to expand crime victims rights. Most importantly, she has made a difference in the lives of crime victims all across the country.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on April 6, 1998, during the adjournment of the Senate, received a message from the House of Representatives announcing that House disagrees to the amendment of

the Senate to the bill (H.R. 2400) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

For consideration of the House bill (except title XI) and the Senate amendment (except title VI), and modifications committed to conference: Mr. SHUSTER, Mr. YOUNG of Alaska, Mr. PETRI, Mr. BOEHLERT, Mr. KIM, Mr. HORN, Mrs. FOWLER, Mr. BAKER, Mr. NEY, Mr. METCALF, Mr. OBERSTAR, Mr. RAHALL, Mr. BORSKI, Mr. LIPINSKI, Mr. WISE, Mr. CLYBURN, Mr. FILNER, and Mr. MCGOVERN.

MESSAGES FROM THE HOUSE

At 4:06 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3164. An act to describe the hydrographic services functions of the Administrator of the National Oceanic and Atmospheric Administration, and for other purposes.

The message also announced that pursuant to the provisions of section 801(b) of Public Law 100-696, and the order of the House of Wednesday, April 1, 1998, the Chair announces the Speaker's appointment of the following Member of the House to the United States Capitol Preservation Commission: Mr. DAVIS of Virginia.

The message further announced that pursuant to the provisions of section 801(b)(6) and (8) of Public Law 100-696, the Minority Leader appoints the following Member of the House to the United States Capitol Preservation Commission: Mr. SERRANO of New York.

The message also announced that pursuant to section 801 of Public Law 100-696 (40 U.S.C. 188a), the Chairman of the Committee on House Oversight appoints the Honorable JOHN L. MICA of Florida to serve on the United States Capitol Preservation Commission in the position reserved from the Chairman of the Joint Committee on the Library.

The message further announced that pursuant to the provisions of section 704(b)(1) of Public Law 105-78, the Minority Leader appoints the following individual to the National Health Museum Commission: Dr. H. Richard Nesson of Brookline, Massachusetts.

At 5:38 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker appoints the following Members as additional conferees in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2400) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; and appoints as additional conferees from the Committee on Commerce, for consideration of provisions in the House bill and Senate amendment relating to the Congestion Mitigation and Air Quality Improvement Program; and sections 124, 125, 303, and 502 of the House bill; and sections 1407, 1601, 1602, 2103, 3106, 3301-3302, 4101-4104, and 5004 of the Senate amendment and modifications committed to conference: Mr. BLILEY, Mr. BILIRAKIS, and Mr. DINGELL: *Provided*, that Mr. TAUZIN is appointed in lieu of Mr. BILIRAKIS for consideration of sections 1407, 2103, and 3106 of the Senate amendment.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 3164. An act to describe the hydrographic services functions of the Administrator of the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4654. A communication from the Acting Assistant Secretary of Labor for Employment and Training, transmitting, pursuant to law, the report of a rule entitled "Unemployment Insurance Program Letter No. 07-98" received on April 20, 1998; to the Committee on Labor and Human Resources.

EC-4655. A communication from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices" received on April 21, 1998; to the Committee on Labor and Human Resources.

EC-4656. A communication from the Acting Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, a rule entitled "Indicators of Equal Employment Opportunity—Status and Trends"; to the Committee on Labor and Human Resources.

EC-4657. A communication from the President of the United States, transmitting, pursuant to law, a report on the activities of U.S. Government departments and agencies relating to the prevention of nuclear proliferation for calendar year 1997; to the Committee on Foreign Relations.

EC-4658. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-4659. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to economic and political transformations of countries of Central and Eastern Europe after the collapse of the Communist system for fiscal year 1997; to the Committee on Foreign Relations.

EC-4660. A communication from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule received on April 15, 1998; to the Committee on Finance.

EC-4661. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Ruling 98:23 received on April 21, 1998; to the Committee on Finance.

EC-4662. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Notice 98:23 received on April 15, 1998; to the Committee on Finance.

EC-4663 A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "The Medicaid Quality of Care Medical Records Study"; to the Committee on Finance.

EC-4664. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program" (RIN0938-AI60) received on April 15, 1998; to the Committee on Finance.

EC-4665. A communication from the Secretary of Labor, transmitting, a draft of proposed legislation entitled "The Unemployment Compensation Amendments of 1998"; to the Committee on Finance.

EC-4666. A communication from the Acting Assistant Secretary of Defense (Health Affairs), transmitting, pursuant to law, a report relative to the maintenance medication dispensing policy; to the Committee on Armed Services.

EC-4667. A communication from the Acting Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a notice relative to the report on Reserve retirement initiatives; to the Committee on Armed Services.

EC-4668. A communication from the Acting Deputy Under Secretary of Defense (Logistics), transmitting, pursuant to law, a report relative to the Defense Logistics Agency; to the Committee on Armed Services.

EC-4669. A communication from the Secretary of Defense, transmitting, pursuant to law, the annual report on the Third Party Collection Program for fiscal year 1997; to the Committee on Armed Services.

EC-4670. A communication from the Director of the Office of Small and Disadvantaged Business Utilization, Office of the Under Secretary of Defense, transmitting, pursuant to law, a report relative to Department of Defense contracts and subcontracts; to the Committee on Armed Services.

EC-4671. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, the report of a special impoundment message for fiscal year 1998; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Finance, and to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1360. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify and improve the requirements for the development of an automated entry-exit control system, to enhance land border control and enforcement, and for other purposes.

S. 1504. A bill to adjust the immigration status of certain Haitian nationals who were provided refuge in the United States.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Wilma A. Lewis, of the District of Columbia, to be United States Attorney for the District of Columbia for the term of four years.

James K. Robinson, Michigan, to be an Assistant Attorney General resigned.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COCHRAN:

S. 1971. A bill to amend the American Folklife Preservation Act to permanently authorize the American Folklife Center of the Library of Congress; to the Committee on Rules and Administration.

S. 1972. A bill to reform the laws relating to Postal Service finances, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BUMPERS (for himself, Mr. CHAFEE, Mr. HOLLINGS, Mrs. BOXER, Mr. TORRICELLI, and Mr. WELLSTONE):

S. 1973. A bill to amend section 2511 of title 18, United States Code, to revise the consent exception to the prohibiton on the interception of oral, wire, or electronic communications; to the Committee on the Judiciary.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1974. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income any Alaska Permanent Fund dividend received by a child under age 14; to the Committee on Finance.

By Mr. COVERDELL:

S. 1975. A bill to broaden eligibility for emergency loans under the Consolidated Farm and Rural Development Act; to the Committee on Agriculture, Nutrition, and Forestry.

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

S. 1976. A bill to increase public awareness of the plight of victims of crime with developmental disabilities, to collect data to measure the magnitude of the problem, and to develop strategies to address the safety and justice needs of victims of crime with developmental disabilities; to the Committee on the Judiciary.

By Mr. D'AMATO (for himself and Mr. REID):

S. 1977. A bill to direct the Secretary of Transportation to conduct a study and issue a report on predatory and discriminatory practices of airlines which restrict consumer access to unbiased air transportation passenger service and fare information; to the Committee on Commerce, Science, and Transportation.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1978. A bill to designate the auditorium located within the Sandia Technology Transfer Center in Albuquerque, New Mexico, as the "Steve Schiff Auditorium"; to the Committee on Energy and Natural Resources.

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

S. 1979. A bill to ensure the transparency of International Monetary Fund operations; to the Committee on Foreign Relations.

By Mr. BREAUX:

S. 1980. A bill to amend the Internal Revenue Code of 1986 to allow certain coins to be acquired by individual retirement accounts and other individually directed pension plan accounts; to the Committee on Finance.

By Mr. HUTCHINSON (for himself, Mr. LOTT, Mr. NICKLES, Mr. COVERDELL, Mr. MACK, Mr. FRIST, Mr. ENZI, Mr. BOND, Mr. SESSIONS, Mr. ROBERTS, Mr. ALLARD, Mr. HAGEL, and Mr. HELMS):

S. 1981. A bill to preserve the balance of rights between employers, employees, and labor organizations which is fundamental to our system of collective bargaining while preserving the rights of workers to organize, or otherwise engage in concerted activities protected under the National Labor Relations Act; read the first time.

By Mr. WARNER (for himself, Mr. LAUTENBERG, Mr. GREGG, Mr. KERRY, Mr. JEFFORDS, Mr. DORGAN, Mr. BENNETT, Mr. HOLLINGS, Mr. DEWINE, Mr. MURKOWSKI, Mr. REED, Mr. HELMS, Mr. TORRICELLI, Mr. DURBIN, Mr. GRAMM, Mr. KENNEDY, Mr. CONRAD, Mr. SESSIONS, Mr. KEMPTHORNE, Mr. ROBB, Mr. THURMOND, Mr. FORD, Ms. MOSELEY-BRAUN, Mr. ABRAHAM, Ms. LANDRIEU, Mr. INOUYE, Mr. SARBANES, Mr. DODD, and Mr. MCCAIN):

S. J. Res. 45. A joint resolution designating March 1, 1999 as "United States Navy Asiatic Fleet Memorial Day", and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. HUTCHISON:

S. Res. 215. A resolution directing the Secretary of the Senate to request the House of Representatives to return the official papers on S. 414, and make a technical correction in the Act as passed by the Senate; considered and agreed to.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. MOYNIHAN, Mr. DASCHLE, Mr. LEAHY, Mr. LAUTENBERG, Mr. KERRY, Mr. MACK, Mr. D'AMATO, Mr. REED, Mr. KERREY, and Mr. WELLSTONE):

S. Con. Res. 90. A concurrent resolution to acknowledge the Historic Northern Ireland Peace Agreement; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COCHRAN:

S. 1971. A bill to amend the American Folklife Preservation Act to permanently authorize the American Folklife Center of the Library of Congress; to the Committee on Rules and Administration.

THE AMERICAN FOLKLIFE CENTER CREATION ACT OF 1998

Mr. COCHRAN. Mr. President, a little more than 20 years ago, Congress enacted legislation which created the American Folklife Center at the Library of Congress. The legislation enjoyed broad bipartisan and bicameral support. The legislation I am introducing today will provide permanent authorization for the Center so that the Center may continue its work to preserve and share the collections of traditions which exemplify the diverse heritage of millions of ordinary Americans.

The collections of the American Folklife Center contain rich and varied materials from my State of Mississippi and every State in the Nation. These materials document the diversity of the folk traditions of the many people who make up our Nation. The Folklife Center serves as a National repository of traditional culture and is used by scholars from around the world as well as schoolchildren, teachers, and genealogists.

The Congress has charged the American Folklife Center to preserve and present American Folklife for future generations. Providing the Center with permanent authorization will give the Center the security it needs to carry on its good work, continue its educational services, and strengthen its world-class collections. Permanent authorization will also allow the Center to engage the public's support of its collections through long-range planning and fundraising.

American folklife is the traditional expressive culture shared within the many familial, ethnic, occupational, religious, and regional groups in the United States. It is the very basis of family and community life. I hope we can permanently authorize the Folklife Center so that these wonderful collections will be available to future generations.

By Mr. COCHRAN:

S. 1972. A bill to reform the laws relating to Postal Service Finances, and for other purposes; to the Committee on Governmental Affairs.

THE POSTAL FINANCING REFORM ACT OF 1998

Mr. COCHRAN. Mr. President, today I am re-introducing a bill that I originally introduced last fall—the Postal Financing Reform Act of 1998. This bill is designed to do three things: allow the Postal Service to deposit funds in private sector institutions, invest in open markets—with Treasury approval

of investment choices, and allow the Postal Service to borrow from private credit markets.

For almost two decades now, the Postal Service has been self-supporting. With a yearly budget near $60 billion, and just $100 million appropriated to provide free mailing for the blind, free overseas voting, and reduced postage rates for certain nonprofit mailers, continuing U.S. Treasury control over Postal Service banking, investing, and borrowing is no longer necessary or justified. Nonetheless, when I first introduced the Postal Financing Reform Act last fall, specific concerns were raised by some in the postal community, and I agreed to make changes that were suggested. The Postal Financing Reform Act of 1998 incorporates these changes. Specifically, the revised 1998 Act reverts back to existing law bill language that would have potentially allowed the Postal Service to invest in its private sector competitors, and to benefit from an increased borrowing ceiling at the U.S. Treasury.

Current law prevents the Postal Service from obtaining the most favorable combination of prices and services and results in added operating costs. Under this new approach, the Treasury Department would retain much of its current oversight, but it would no longer be the sole provider of certain financial services to the Postal Service.

The Postal Financing Reform Act of 1998 proposes four significant changes to current law. First, section two of the bill amends Title 39 of the U.S. Code to authorize the Postal Service to deposit its revenues in the Postal Service Fund within the U.S. Treasury or any Federal Reserve banks or depositories for public funds. The requirement to obtain the Secretary of the Treasury's approval before any funds be deposited elsewhere would be eliminated, just as this approval is no longer necessary for other quasi-public agencies like the Tennessee Valley Authority (TVA).

Section three continues the provision of existing law which requires that the Secretary of the Treasury approve any investments the Postal Service may make in non-Government securities. At the same time, it would permit the Postal Service to invest in U.S. Government obligations on its own accord, without unnecessary constraints, thus enabling the Postal Service to take advantage of favorable conditions in the Government securities market.

Section four removes the control of the Secretary of the Treasury over the Postal Service's financial borrowing decisions. The Postal Service would still be required to consult with the Secretary regarding the terms and conditions of the sale of any obligations issued by the Postal Service under section 2006(a) of Title 39, and the Secretary would still exercise a power of approval over the timing of a sale of obligations.

Finally, section five of the bill removes the ability of the Postal Service to require the Secretary of the Treasury to purchase Postal Service obligations. It merely permits the Secretary of the Treasury to buy Postal Service obligations upon the Postal Service's request.

I have heard from many sources that reforms in the Postal Service should be made. Though I have decided to refrain from undertaking comprehensive reform, I have selected instead a simple, straightforward correction of an out of date practice that would reduce costs and help hold down future rate increases, without increasing risk to the taxpayers.

Those who believe the Postal Service should operate as efficiently as possible, thus reducing fees charged to consumers, should support this bill. So, too, should those who profess to see the Postal Service treated more like a business.

I think it is time to act on this issue. I invite Senators to consider this proposal for reform and support this effort to ensure a more efficient and financially sound U.S. Postal Service.

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—POSTAL FINANCING REFORM ACT OF 1998

SECTION 1. SHORT TITLE

The short title of this Act is the Postal Financing Reform Act of 1998.

SECTION 2. END OF TREASURY CONTROL OF POSTAL SERVICE BANKING

This provision would amend 39 U.S.C. 2003(d) by enabling the Postal Service to have sole discretion to deposit its revenues in the Postal Service Fund within the U.S. Treasury or any Federal Reserve banks or depositories for public funds. This amendment enables the Postal Service to deposit its funds as it deems appropriate, and take advantage of banking and other modern financial services in the open market that are unavailable from the Treasury Department.

SECTION 3. POSTAL SERVICE INVESTMENTS

This amendment to 39 U.S.C. 2003(c) ensures continued oversight of any non-Government investments made by the Postal Service. It continues the provision of existing law which requires that the Secretary of the Treasury approve any investments the Postal Service may make in non-Government securities. At the same time, it would permit the Postal Service to invest in U.S. Government obligations on its own accord, without unnecessary constraints, thus enabling the Postal Service to take advantage of favorable conditions in the Government securities market.

SECTION 4. ELIMINATION OF TREASURY PREEMPTION OF BORROWING BY THE POSTAL SERVICE

This amendment to 39 U.S.C. 2006(a) removes the control of the Secretary of the Treasury over the Postal Service's financial borrowing decisions. The Postal Service, however, must consult with the Secretary of the Treasury for a reasonable period of time, as determined by the Postal Service, regarding the terms and conditions of the sale of any obligations issued by the Postal Service under section 2006(a). The specification of a "reasonable" time, rather than a specific number of days, is intended to ensure that the consultation process is concluded in a commercially reasonable time, and does not unduly restrict the borrowing flexibility of the Postal Service. The Secretary will exercise a power of approval over the timing (but not the other terms) of a sale of obligations. At the end of the consultation period, the Postal Service may proceed to issue obligations to a party other than the Secretary, and the Secretary cannot block such action, regardless of whether the Secretary has approved such third-party sale. This provision should allow the Postal Service to minimize interest expense by obtaining the most cost efficient service available.

SECTION 5. ELIMINATION OF POSTAL SERVICE "PUT" ON TREASURY

Section 2006(b) of Title 39 allows the Postal Service to *require* the Secretary of the Treasury to purchase obligations of the Postal Service up to a limit of $2 billion. The amendment removes the ability of the Postal Service to *require* the Secretary of the Treasury to purchase Postal Service obligations. It merely permits the Secretary of the Treasury to buy Postal Service obligations upon the Postal Service's request. Removing this "put" on the Treasury will be consistent with the purpose of directing the Postal Service borrowing to the private sector where it will be able to take advantage of a broader market, albeit with the requisite constraints.

Since the decision to buy is at the discretion of the Secretary of the Treasury, there is no longer a need to place a dollar limit on the amount of Postal Service obligations that the Treasury can purchase. The total limit on Postal Service debt in Section 2005 should apply.

SECTION 6. EFFECTIVE DATE

This Act will become effective 90 days after enactment.

By Mr. BUMPERS (for himself, Mr. CHAFEE, Mr. HOLLINGS, Mrs. BOXER, Mr. TORRICELLI, and Mr. WELLSTONE):

S. 1973. A bill to amend section 2511 of title 18, United States Code, to revise the consent exception to the prohibition on the interception of oral, wire, or electronic communications; to the Committee on the Judiciary.

THE TELEPHONE PRIVACY ACT OF 1998

Mr. BUMPERS. Mr. President, I rise today, along with Senators CHAFEE, HOLLINGS, BOXER, TORRICELLI, and WELLSTONE, to introduce the Telephone Privacy Act of 1998. The issue of telephone privacy thrusts itself into the news every so often. I have introduced similar legislation twice before, because these concerns have been with us since Alexander Graham Bell installed the first party line.

In the early '80s Charles Wick was the head of USIA. He freely admitted that he had recorded more than eighty conversations with then President Reagan and former President Carter,

cabinet members and many others. None of those people knew that Mr. Wick had recorded their conversations. I was absolutely appalled to learn that such conduct is perfectly legal. I have been trying to correct that gap in the law ever since.

Usually, we hear about this issue after some incident where an unsuspecting person has suffered harsh personal consequences after a private conversation has been recorded and disseminated. The Speaker of the House himself was recently recorded by a third party while speaking on a cellular phone. If that call had been made on an ordinary phone, any party to the call could have recorded it without informing the Speaker or anyone else—and it would have been perfectly legal. He could have broadcast it on the evening news and published the transcript in the New York Times. This should be repugnant to almost everyone and yet it is all quite legal. My two previous efforts to make such conduct illegal failed. I believe that in the present environment a majority of our people think it is time to correct this abomination.

Sixteen states have outlawed the taping of phone conversations without the consent of all parties to the call, but the federal law has not caught up with those states. Until a bill like mine becomes law, recording of personal conversations will be legal, so long as one party to the conversation is aware of such recording.

How many Americans are aware that it is legal for the private telephone conversations of any person in this country to be monitored and even recorded without his or her consent? Indeed, how many Senators know?

Americans cherish their privacy as nothing else. One of the reasons the President's popularity is so high is people believe his privacy and the First Lady's privacy has been unfairly invaded.

How many times have we heard a recording on television or read a transcript in the newspaper where one of the parties makes some embarrassing revelation, confident that the conversation is "private," never suspecting that he or she was being recorded?

I am not talking about authorized law enforcement surveillance. I'm not talking about calls to 911. I'm not talking about employers who must monitor calls made by employees in the course of their duties and my bill makes no change in the law regarding Caller ID technologies. My bill would also allow victims of phone threats to record threatening calls. This bill retains all of the existing exceptions to the law that allow our law enforcement agencies and intelligence gathering agencies to carry out their important duties unimpeded.

I want to emphasize that the only change this bill is intended to make to the status quo is this: subject to existing exceptions, under my bill, the interception of wire and electronic communications will be permitted only where all parties have consented, rather than allowing only one party to make that determination. Existing penalties for violations of the law will remain unchanged.

The current law leaves a huge hole in the rights of telephone users. We have tolerated that gap for many years, but those have been years in which communications technology has exploded. In 1998, the technology to intercept and record telephone calls and other wire communications is available to almost everyone—you can do it with an ordinary answering machine. Much of our lives is now conducted over the telephone. Too much of our privacy is at risk. Too much mischief can be made to allow this flaw in our right to privacy any longer.

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. 1973

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 "Telephone Privacy Act of 1998".

SEC. 2. REVISION OF CONSENT EXCEPTION TO PROHIBITION ON INTERCEPTION OF ORAL, WIRE, OR ELECTRONIC COMMUNICATIONS.

Section 2511(2)(d) of title 18, United States Code, shall be revised to read as follows:

"(d)(i) It shall not be unlawful under this chapter for a person not acting under color of law to intercept a wire, oral, or electronic communication where all parties to the communication have given prior consent to such interception unless such communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of any State.

"(ii) Notwithstanding subparagraph (i), a person may intercept a wire, oral, or electronic communication where such person is party to the communication and the communication conveys threats of physical harm, harassment or intimidation."

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1974. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income any Alaska Permanent Fund dividend received by a child under age 14; to the Committee on Finance.

TAX LEGISLATION

Mr. MURKOWSKI. Mr. President, I rise to introduce legislation that would alleviate an IRS paperwork hassle that confronts every citizen of Alaska who has a child. I am pleased to be joined by the distinguished senior Senator from Alaska, Senator STEVENS, in introducing this legislation.

Mr. President, when this nation was facing the oil crisis of the 1970s, Alaskan oil from Prudhoe Bay was in large part responsible for allowing our nation to bridge the oil crisis and overcome the blackmail the world faced from the OPEC cartel. The state of Alaska made a foresighted decision at that time that it would take a portion of the oil royalty money and place it into a trust fund for the benefit of the citizens of our State.

This trust fund has grown significantly in the past two decades and has allowed the state to issue dividends to every citizen of the state each year. Mothers, fathers and children are all entitled to an equal share of the dividend. Yet when it comes time to file tax returns, every family with a child in Alaska is forced to file a separate tax return for the child based on the fact that the child's only income is the permanent fund dividend.

Children under 14 must pay income tax if they have investment income of more than $650. If their investment income is greater than $1,400, a special "kiddy tax" is levied that taxes the child's income at the parents' highest tax rate. The kiddy tax was designed for one simple purpose: To prevent high income taxpayers from shifting income to their children for tax avoidance purposes.

Mr. President, in the case of nearly every child in Alaska, there is no effort for parents to shift income to their children. A two-year old is required to file a tax return simply because the state had the foresight to invest state oil royalty income for the benefit of all its citizens.

In recent years, the annual Permanent Fund dividend checks have averaged nearly $1,000 per person. For a two-year old child who received that dividend, the child's parents are responsible for having a tax return prepared for the child that will show a tax liability of $52.50. As all of my colleagues know, filling out tax returns has become ever more complicated. Fewer and fewer individuals are filling out their own returns. Instead, they are having to pay professional preparers to fill out these returns.

In fact, IRS reports that returns filled out by paid preparers are a record high this year—54% of all returns filed had been prepared by professionals. For an Alaskan family with two children, that means a paid preparer must fill out three separate tax forms—one for the mother and father and one for each of the two children. How much additional cost does the preparer charge for the additional returns? The simplest form to file—the 1040 EZ costs $16.50 at the local H&R Block. For two children that's an additional $33, on top of the costs of the parents' return.

And what does it cost the IRS to process that return? I've heard costs that range from $5 to $30. I don't think anyone knows the real answer.

Mr. President, the bottom line is that families with children under 14 in

Alaska are subjected to additional IRS paperwork and filing requirements simply because their children's permanent fund dividends are subject to a few dollars of federal income tax.

The legislation we are introducing today would exclude from income permanent fund dividends received by children under 14. This will eliminate the paperwork burdens that families in our state face simply because their children receive a dividend from the state. Although I am sure this will be scored as losing a modest amount of revenue, about $50 for every Alaskan child, IRS will have to process far fewer tax returns from Alaska's children and parents in Alaska will not have to incur additional tax preparation fees.

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. 1974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCOME TAX EXCLUSION FOR ALASKA PERMANENT FUND DIVIDENDS RECEIVED BY CHILDREN UNDER AGE 14.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by redesignating section 138 as section 139 and by inserting after section 137 the following new section:

"SEC. 138. ALASKA PERMANENT DIVIDENDS TO CHILDREN UNDER AGE 14.

"Gross income shall not include any Alaska Permanent Fund dividend received by an individual during a taxable year if the individual has not attained age 14 before the close of the taxable year."

(b) CONFORMING AMENDMENTS.—

(1) Section 1(g)(7)(A)(i) of the Internal Revenue Code of 1986 is amended by striking "(including Alaska permanent fund dividends)".

(2) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 138 and inserting:

"Sec. 138. Alaska Permanent Fund dividends to children under age 14.

"Sec. 139. Cross references to other Acts."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

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

S. 1976. A bill to increase public awareness of the plight of victims of crime with developmental disabilities, to collect data to measure the magnitude of the problem, and to develop strategies to address the safety and justice needs of victims of crime with developmental disabilities; to the Committee on the Judiciary.

THE CRIME VICTIMS WITH DISABILITIES AWARENESS ACT

Mr. DEWINE. Mr. President, I am pleased today to join with Senator LEAHY to introduce the Crime Victims With Disabilities Awareness Act. The purpose of this legislation is to achieve three basic goals: first, to increase public awareness of the plight of crime victims with developmental disabilities; second, to start collecting data to measure the extent and nature of the problem; and third, to develop strategies to address the safety and justice needs of these victims.

Research in foreign countries has found that persons with developmental disabilities are at a 4 to 10 times higher risk of becoming crime victims than those without disabilities. Studies in Canada, Australia, and Great Britain consistently show that crime victims with developmental disabilities suffer repeated victimization, because so few of the crimes against them are reported. Unfortunately, even when crimes against victims with disabilities are reported, there is sometimes a reluctance by justice officials to rely on the testimony of a disabled person, further making these victims a target for criminal predators.

What do we know about similar crimes in the United States? Amazingly, little if any. No significant studies have been conducted in the United States. In fact, the Bureau of Justice Statistics in their annual National Crime Victims Survey does not specifically collect data about crimes against persons with disabilities.

Research needs to be done in the United States to (1) understand the nature and extent of crimes against persons with developmental disabilities; (2) assess how the law enforcement and justice systems currently respond to crimes against the developmentally disabled; and (3) identify programs, policies, or laws that hold promise for making our law enforcement and justice systems more responsive to crimes against persons with developmental disabilities.

Our legislation today would accomplish these three research goals. Our legislation would direct the Attorney General to contract with the National Research Council through the National Academy of Sciences' Committee on Law and Justice to develop a research agenda to increase the understanding and control of crime against persons with developmental disabilities. The National Academy of Sciences would develop a research agenda that includes convening an interdisciplinary panel of nationally recognized experts on crime victims with disabilities and related fields, to define and address critical issues to understanding crimes against people with developmental disabilities. Their research would focus on preventive, educative, social, and legal strategies, and recommend methods for addressing the needs of underserved populations.

An authoritative report resulting from this process should provide some important answers.

In addition, the bill would direct the Attorney General to begin collecting data for the National Crime Victims Survey of crime victims with developmental disabilities. The Attorney General is asked to study and report to the States and to Congress on how the States may collect centralized databases on the incidences of crimes against the disabled.

One reason why this issue is so important, and why this legislation is necessary is because there are more and more people with developmental disabilities. The factors behind this rising population include poor prenatal nutrition and care, increases in child abuse, and substance abuse during pregnancy.

I am hopeful that the research called for in this legislation will have broad, positive national policy implications. Greater knowledge about victims with developmental disabilities will help service providers target programs more effectively. Victims and their families will have a better understanding of crime risks. Justice and social service policy makers will have a greater understanding of how, where, and when these crimes occur, the characteristics of victims, and how these crimes affect victims and their families. Law enforcement may gain information on how to improve investigative and prosecution strategies, and how to use victims' testimony in conjunction with other case evidence. Clearly, what we're trying to do with this legislation is to raise considerably the national profile of this issue among research agencies and the academic community, and to continue to define and develop solutions to this problem.

I ask unanimous consent that the text of the bill be included in the RECORD.

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

S. 1976

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 "Crime Victims With Disabilities Awareness Act".

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) although research conducted abroad demonstrates that individuals with developmental disabilities are at a 4 to 10 times higher risk of becoming crime victims than those without disabilities, there have been no significant studies on this subject conducted in the United States;

(2) in fact, the National Crime Victim's Survey, conducted annually by the Bureau of Justice Statistics of the Department of Justice, does not specifically collect data relating to crimes against individuals with developmental disabilities;

(3) studies in Canada, Australia, and Great Britain consistently show that victims with developmental disabilities suffer repeated victimization because so few of the crimes against them are reported, and even when

they are, there is sometimes a reluctance by justice officials to rely on the testimony of a disabled individual, making individuals with developmental disabilities a target for criminal predators; and

(4) research in the United States needs to be done to—

(A) understand the nature and extent of crimes against individuals with developmental disabilities;

(B) describe how the justice system responds to crimes against the developmentally disabled; and

(C) identify programs, policies, or laws that hold promises for making the justice system more responsive to crimes against individuals with developmental disabilities.

(b) PURPOSES.—The purposes of this Act are—

(1) to increase public awareness of the plight of victims of crime who are individuals with developmental disabilities;

(2) to collect data to measure the extent of the problem of crimes against individuals with developmental disabilities; and

(3) to develop strategies to address the safety and justice needs of victims of crime who are individuals with developmental disabilities.

SEC. 3. DEFINITION OF DEVELOPMENTAL DISABILITY.

In this Act, the term "developmental disability" has the meaning given the term in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001).

SEC. 4. RESEARCH AGENDA.

(a) REQUEST FOR CONTRACT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit a request to the National Research Council, that the Committee on Law and Justice of the National Academy of Sciences, acting through the National Research Council, enter into a contract with the Attorney General to develop a research agenda to increase public awareness of crimes against individuals with developmental disabilities and to reduce the incidence of crimes against those individuals.

(b) RESEARCH AGENDA.—The research agenda developed under this section shall—

(1) address such issues as—

(A) the nature and extent of crimes against individuals with developmental disabilities;

(B) the risk factors associated with victimization of the developmentally disabled;

(C) strategies to reduce crimes against individuals with developmental disabilities;

(D) the manner in which the justice and social service systems respond to crimes against the developmentally disabled, and the means by which that response can be improved;

(E) the personal and social consequences of victimization;

(F) the importance of place and context in understanding crimes against the developmentally disabled; and

(G) the means by which to achieve a better understanding of the interaction between caregiver, victim, and other circumstances in improving public safety; and

(2) include an analysis of various methodologies for addressing the issues described in paragraph (1), which may include—

(A) appropriate longitudinal designs to increase understanding of its causes;

(B) rigorous evaluation research designs to inform and improve prevention, intervention, and control efforts;

(C) a multidisciplinary approach to measuring the nature and frequency of crimes against the developmentally disabled, and the personal and social consequences of those crimes;

(D) survey data and analysis efforts that better describe the victimization experiences of the developmentally disabled, the context in which victimization occurs, and the social and institutional responses to these experiences; and

(E) the development of a Federal research response and a coordinated research strategy by Federal agencies.

(c) PANEL OF EXPERTS.—In developing the research agenda under this section, the Committee on Law and Justice shall—

(1) convene and consult with a panel, which shall be composed of—

(A) nationally recognized experts on victims of crime who are individuals with disabilities, in the fields of—

(i) law;

(ii) services to individuals with disabilities;

(iii) criminology;

(iv) education;

(v) direct services to victims of crime; and

(vi) the social sciences; and

(B) crime victims with disabilities who are members of diverse ethnic, social, and religious communities; and

(2) focus primarily on preventive, educative, social, and legal strategies, including addressing the needs of underserved populations.

(d) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report describing the research agenda developed under this section.

(2) REPORT.—The Attorney General shall ensure that—

(A) the report submitted under paragraph (1) is disseminated widely in governmental, nonprofit, and academic arenas, including by seminars, briefings, and the Internet; and

(B) shall make not less than 100 copies of the report available upon request to nonprofit organizations free of charge.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $375,000 for each of fiscal years 1999 and 2000.

SEC. 5. NATIONAL CRIME VICTIMS SURVEY.

(a) SURVEY.—As part of each National Crime Victims Survey, the Attorney General shall include statistics relating to the nature and characteristics of victims of crime who are individuals with developmental disabilities.

(b) CONSULTATION.—In carrying out subsection (a), the Attorney General shall use a methodology developed in consultation with experts in the collection of criminal justice data, statistics, services to individuals with disabilities, and victims of crime.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000 for fiscal year 1999.

SEC. 6. STATE DATABASES.

(a) IN GENERAL.—The Attorney General shall conduct a study and submit to Congress and to each State a report on the means by which each State may establish and maintain a centralized computer database on the incidence of crimes against individuals with disabilities within the State.

(b) CONSULTATION.—In conducting the study under subsection (a), the Attorney General shall consult with—

(1) individuals who are experts in the collection of criminal justice data;

(2) State statistical administrators;

(3) law enforcement personnel;

(4) nonprofit nongovernmental agencies that provide direct services to victims of crime who are individuals with disabilities; and

(5) such other individuals and entities as the Attorney General considers to be appropriate.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives, a report describing the results of the study under subsection (a), which report shall include the views of the individuals and agencies consulted under subsection (b).

Mr. LEAHY. Mr. President, I am proud to join Senator DEWINE in introducing the Crime Victims With Disabilities Awareness Act. This legislation will address and strengthen our services for disabled victims of crime throughout our country.

It is important that we focus attention on the needs and rights of crime victims not only during this week, National Crime Victims Rights Week, but throughout the year. For the past several years, I have worked hard with others to make improvements in the law and provide greater assistance to victims of crime.

My involvement with crime victims rights began more than three decades ago when I served as State's Attorney for Chittenden County, Vermont, and witnessed first-hand the devastation of crime. I have worked ever since to ensure that the criminal justice system is one that respects the rights and dignity of victims of crime and domestic violence, rather than presents additional ordeals for those already victimized.

The needs of victims of crime are many and must be addressed in a number of ways, including strengthening law enforcement and education, improving and increasing services for victims, and protecting the rights of victims. Today I am proud to again have the support of the Vermont Center for Crime Victim Services in focusing attention on the needs of crime victims with disabilities with the Crime Victims With Disabilities Awareness Act.

Research conducted abroad has shown that individuals with disabilities have a four to 10 times higher risk of becoming a victim than do individuals without disabilities. Despite these findings, there have been no significant studies on this subject conducted in the United States. The Crime Victims With Disabilities Awareness Act we are introducing today will rectify this omission.

The Crime Victims With Disabilities Awareness Act proposes to have the Committee on Law and Justice of the National Academy of Sciences conduct research so as to increase public awareness of victims of crime with disabilities, to understand the nature and extent of such crimes, and to develop

strategies to address the safety and needs of victims of crime with disabilities. This Act directs the Attorney General to utilize statistics gathered from this study for inclusion in the National Crime Victims Survey. The Crime Victims With Disabilities Awareness Act also directs the Attorney General to submit a report detailing the means by which each State can establish and maintain a database on the incidence of crimes against individuals with disabilities.

Over the last 20 years we have made strides in recognizing crime victims' rights and providing much needed assistance. I am proud to have played a role in passage of the Victims and Witness Protection Act of 1982, the Victims of Crime Act of 1984, and the Victims' Rights and Restitution Act of 1990 and the other improvements we have been able to make.

In the Violent Crime Control Act of 1994, Congress acted to ensure a right of allocation for victims of crimes of violence or sexual abuse and to make tens of millions of dollars available to crime victims. No amount of money can make up for the harm and trauma of being the victim of a crime, but we should do all that we can to see that victims are assisted, compensated and treated with dignity by the criminal justice system.

I was the author of the Victims of Terrorism Act that was passed by the Senate in the wake of the Oklahoma City bombing and became the basis for the Justice for Victims of Terrorism Act signed into law in April 1996. We were able to make funds available through supplemental grants to the States to assist and compensate victims of terrorism and mass violence, which incidents might otherwise have overwhelmed the resources of Oklahoma's crime victims compensation program or its victims assistance services. We also filled a gap in our law for residents of the United States who are victims of terrorism and mass violence that occur outside the borders of the United States. In addition, we allowed greater flexibility to our State and local victims' assistance programs and some greater certainty so that they can know that our commitment to victims programming will not wax and wane with events. And we were able to raise the assessments on those convicted of federal crimes in order to fund the needs of crime victims.

Last year, I cosponsored the Victim Rights Clarification Act of 1997. That legislation reversed a presumption against crime victims observing the fact phase of a trial if they were likely to provide testimony during the sentencing phase of that trial. As a result of that legislation, not only were victims of the Oklahoma City bombing able to observe the trial of Timothy McVeigh, all those who were able to witness the trial and were called as witnesses to provide victim impact testimony at the sentencing phase of that trial were able to do so.

The Crime Victims Assistance Act, legislation that I introduced this past July with Senator KENNEDY, builds upon the progress made over the last several years. It provides for a wholesale reform of the Federal Rules and Federal law to establish additional rights and protections for victims of federal crime. This bill would provide crime victims with an enhanced right to be heard on the issue of pretrial detention and plea bargains, an enhanced right to a speedy trial and to be present in the courtroom throughout a trial, an enhanced right to be heard on probation revocation and to give a statement at sentencing, and the right to be notified of a defendant's escape or release from prison. The Crime Victims Assistance Act would also strengthen victims' services by increasing Federal victim assistance personnel, enhancing training for State and local law enforcement and Officers of the Court, and establishing and ombudsman program for crime victims.

With a simple majority of both Houses of Congress, the Crime Victims Assistance Act could be enacted this year and we could mark a significant and immediate difference in the lives of victims throughout our country. I hope that the Senate will turn to this important measure without further delay. Unfortunately, one consequence of the effort to focus attention on proposals to amend the Constitution has been to dissipate efforts to enact effective victims rights legislation over the past two years. The momentum we had built over the last several years has been dissipated by this focus to the exclusion of statutory reform.

While we have made great improvements in our law enforcement and crime victims assistance programs and have made advances in recognizing crime victims' rights, we still have work to do. This week is National Crime Victims' Rights Week. Crime victims advocates across Vermont and the nation are commemorating this week with ceremonies, awards and proclamations. I am honored to have received recognition from the Vermont Center for Crime Victims Services and the Vermont Network for Domestic Violence and Sexual Assault during National Crime Victims Rights Week in 1996 and a Congressional Leadership Award from the National Organization for Victim Assistance. Each year at this time our hearts go out to the families and victims of crime. Each year I try to help focus attention on those who work so hard every week of the year on behalf of all crime victims in crime victims' assistance and compensation programs.

There are many individuals in Vermont who I would like to thank for their expertise and advice in addressing victims' rights and services, including Lori Hayes, Executive Director of the Vermont Center for Crime Victim Services, and Marty Levin, Coordinator of the Vermont Network Against Domestic Violence and Sexual Assault. Their hard work and dedication have made a real difference in the lives of people who suffer from violence and abuse.

In May 1997, the Department of Justice Office for Victims of Crime concluded that "Vermont's programs are setting the standard for outreach to undeserved populations and service coordination among providers and allied professionals." Vermont's leadership was also recently recognized with its selection for participation in the Department of Justice Rural Victim Services 2000 project. The Vermont Center for Crime Victim Services will administer this grant to conduct the first systematic survey of what rural crime victims need. The more informed we become of the needs of victims, the more we can adapt services to make them more effective and efficient.

I commend all those in Vermont and across the country who are committed to assisting crime victims.

By Mr. D'AMATO (for himself and Mr. REID):

S. 1977. A bill to direct the Secretary of Transportation to conduct a study and issue a report on predatory and discriminatory practices of airlines which restrict consumer access to unbiased air transportation passenger service and fare information; to the Committee on Commerce, Science, and Transportation.

THE CONSUMER ACCESS TO TRAVEL INFORMATION ACT OF 1998

Mr. D'AMATO. Mr. President, I rise today to offer legislation that will benefit consumers and small businessmen and women who must travel by air. The bill I am introducing today, the Consumer Access to Travel Information Act of 1998, will reverse an increasingly anti-consumer, anti-competitive trend in airline travel across the country.

For three years, the major airlines have been moving to gain more control over the airline travel ticket distribution system. While this effort may seem harmless, the ramifications to consumers are significant. Currently, most air travelers get their information from one of the 33,000 travel agencies around the country. These agencies provide consumers with unbiased and comprehensive air travel information, i.e., the best flight at the cheapest fare. Without that independent source of travel information, there is no doubt that consumers will be paying more, in many cases, substantially more for air travel.

The Consumer Access to Travel Information Act of 1998 is a reasonable, and balanced bill that is significant not

only for what it does, but also for what it doesn't do. This legislation would simply require the Secretary of Transportation to investigate the behavior of major airlines, including discriminatory and predatory practices of airlines which target travel agents, other independent distributors, and small airlines. This is authority that the Secretary currently has under the Airline Deregulation Act of 1978, but has thus far not elected to use. This bill makes certain this investigation is undertaken. If it is determined that anti-competitive, discriminatory or predatory practices exist, the Secretary must report to Congress those steps the Department intends to take to address such practices.

What this legislation does not do is regulate the airline industry. In fact, this legislation is a wake up call for the industry. As the for-profit hospital and HMO industries discovered, if consumers are disregarded, and anti-competitive activities are encouraged, the heavy hand of regulators and anti-trust remedies will soon follow. This investigation by DOT may bring to light practices that the airlines themselves may not even realize exist. It is far better to have DOT look into these issues and have them addressed now, than to have Congress begin pursuing more proactive legislative remedies in the future.

Travel agents provide critical services to air travelers, and air travelers depend heavily upon travel agents to provide an accurate, broad selection of schedules, fare quotes, and ticketing services for all airlines. Agents quote schedules and fares, and provide ticketing services, to consumers on major U.S. airlines, small U.S. airlines, large and small international airlines, and start-up airlines.

The travel agency community and other independent ticket distributors are the only efficient, independent and comprehensive sources of information for airline travel options. Travel agencies and other independent distributors comprise a considerable portion of the small business sector in the United States, employing over 250,000 people. Over 50% of travel agencies are owned by women or minorities.

Every industry study conducted since the 1960's has concluded that travel agents can process reservation and ticketing transactions in any medium more efficiently than can airlines. Just this year, one of the world's largest and most efficient airlines announced the closing of all of its U.S. ticket offices in favor of the efficiencies of the U.S. travel agency industry.

So why are multi-billion dollar airlines putting the squeeze on the mom and pop travel agencies? Unfortunately, the answer lies beyond just sucking more revenue from the travel agent. The biggest threat to the current airline oligopoly is the young, up-start airlines. Wherever these airlines operate, the major air carriers' prices are competitive. Wherever these airlines do not operate, the consumer pays monopoly prices. Small domestic airlines, many international airlines, and start-up airlines heavily depend upon the travel agency distribution system. There is no alternate distribution system available to these types of airlines. A less ubiquitous, less independent travel agency means less business for, and less competition from, the smaller airlines.

As part of the effort to consolidate their market power, the airlines began to focus on the ticket distribution system. Twice in the last three years, the major airlines have initiated and supported reductions in travel agent commissions on the sale of air travel. In February alone, total travel agent commissions on domestic travel dropped 21%. More reductions from airlines, and greater travel agent losses, are expected. The number of travel agencies has decreased for the first time since World War II, and many more closings are expected as agency operating reserves are exhausted.

As travel agents are forced out of the industry and airlines secure more direct consumer business, consumer alternatives will continue to decrease, resulting in significantly higher consumer travel costs. Major airlines have generally misrepresented the reason for agency commission cuts, citing a need to reduce expenses and pass savings on to consumers. In fact, airline ticket prices have steadily increased, there have been no consumer benefits, airlines are posting record profits quarter-after-quarter, and consumers are paying the highest airfares in history.

Commissions are not the only way in which the airlines are using anti-competitive practices to pressure the travel agents. For example, confidential business information generated by travel agents, such as marketing, bookings, and sales data, is routinely shared by the airlines.

Considering airlines regard themselves as competitors of travel agents, this is an intolerable situation for the travel agents.

Another example of unfair treatment is the use of promotions, concessions, and benefits that airlines can pass on to consumers that are denied to travel agents. In addition the airlines operate the Airlines Reporting Corporation (ARC), which controls both who can become a travel agent and the settlement of funds between travel agents and the airlines.

Internet travel servicing, one ticket distribution alternative which holds great promise for consumers, is also being dominated by the major air carriers. As a practical matter, travel agents have already been excluded by airlines from selling tickets booked by electronic means. As with conventional distribution, Internet consumers have very limited ability to view consolidated electronic schedule and fare information, much less interpret the rules, restrictions and penalties attached to such lower fares as might be found.

That is why, Mr. President, Congress must pass the Consumer Access to Travel Information Act of 1998 before consumers are hurt further, and before there is an overwhelming cry to reregulate air travel.

Mr. President, I urge my colleagues to support this legislation. 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. 1977

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 "Consumer Access to Travel Information Act of 1998".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) To foster and preserve competition, national transportation policy should support the continuation of widespread, convenient, and efficient public access to unbiased comparative air transportation passenger service and fare information.

(2) The traveling public relies upon unbiased comparative air transportation passenger service and fare information provided by independent retail travel agents and other independent sources.

(3) Concentrations of market power, restrictions on entry, and predatory and discriminatory practices of airlines impair consumer access to independently distributed unbiased comparative information about air transportation passenger services or fares.

(4) If not corrected, such practices will seriously restrict consumer access to the independent and unbiased service and fare information provided by travel agents and other independent sources.

SEC. 3. POLICY.

Section 40101(a) of title 49, United States Code, is amended by adding at the end the following:

"(16) Ensuring that consumers may obtain unbiased comparative information from travel agents and other independent sources about air transportation passenger services and fares in an efficient and convenient manner.".

SEC. 4. STUDY; REPORT.

(a) STUDY.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Transportation (hereinafter in this Act referred to as the "Secretary") shall undertake a study of the availability to consumers of adequate unbiased information about air transportation passenger services and fares. The study shall include an investigation of the following practices:

(1) Air carrier policies that deter or prevent travel agents or other independent sources from using competitively efficient phone systems, computer reservation systems, or other electronic systems to communicate or consummate transactions with the public.

(2) Air carrier policies that deter or prevent travel agents and other independent

sources from offering the public the same or greater concessions, benefits, or services than those offered by air carriers directly to those consumers.

(3) Discriminatory collective or joint operation of assets used to offer concessions, benefits, or services to the public while denying comparable access to such concessions, benefits, or services through travel agents and other independent sources, including joint sales activities, denial of competitive tools, and denial of distribution efficiencies.

(4) Sharing of competitively significant sales transaction data in violation of the confidentiality interests of the travel agents or other independent sources that generated such data.

(5) As the Secretary considers appropriate, any other practices which may impair consumer access to independently distributed unbiased comparative information about air transportation passenger services or fares.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report of the conclusions of the study required by subsection (a).

SEC. 5. CEASE AND DESIST ORDERS.

The Secretary shall, after notice and hearing, order any air carrier or other party engaged in any practice or policy which constitutes a predatory, unfair, or deceptive practice or unfair method of competition which restricts the widespread, convenient, and efficient access by the public to unbiased comparative air transportation passenger service and fare information or the sale, booking, or distribution of air transportation passenger services or products, to cease and desist therefrom.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1978. A bill to designate the auditorium located within the Sandia Technology Transfer Center in Albuquerque, New Mexico, as the "Steve Schiff Auditorium"; to the Committee on Energy and Natural Resources.

THE STEVE SCHIFF AUDITORIUM DESIGNATION ACT OF 1998

Mr. DOMENICI. Mr. President, it is a real honor today to introduce legislation, together with Senator BINGAMAN, to honor Representative Steve Schiff. This legislation designates a special auditorium at the Sandia National Laboratories as the "Steve Schiff Auditorium." Steve spoke in this Auditorium on several occasions, as part of his long service to the people of New Mexico.

I think everyone knows that Steve Schiff exemplified all that was good about public service: integrity of the highest order, deep and fundamental decency, and an acute and open mind. He went about his business quietly, but with wonderful efficiency. He was great at telling stories, usually about himself. He was a model for all politicians to admire.

Steve came to New Mexico from Chicago, where he was born and raised. He served the people of New Mexico in different capacities since 1972, when he graduated from the Law School at the University of New Mexico. Before election to Congress in 1988, he served as District Attorney for eight years.

One of Steve's favorite local programs was his Tree Give-Away Program. For eight years, Steve held a Saturday tree give-away day at the Indian Pueblo Cultural Center. He gave away more than 115,000 trees. Through those trees, he shared his own hope, faith, and love. Those trees now flourish throughout the Albuquerque area in New Mexico as lasting symbols of this man. In a similar way, his legislative achievements continue to serve the American people as another reminder of this great American.

Along with those trees and his legislation, the Steve Schiff Auditorium will serve as a lasting memorial. I am happy and honored to have been a part of his life.

I think he would be pleased that this major facility at Sandia National Laboratories, an auditorium where many events occur, many events he has sponsored, that he desires that we talk about in our Federal Government as it pertains to nuclear weapons and research, that it be designated after him.

Mr. BINGAMAN. Mr. President, I feel very honored today to rise with my colleague, Senator DOMENICI, to introduce legislation to honor Representative Steven H. Schiff, who died last month. This bill names the Auditorium in the Technology Transfer Center at Sandia National Laboratories as the Steven H. Schiff Auditorium. I have visited Sandia's Technology Transfer Center (TTC) in Albuquerque, New Mexico. It is a beautiful building dedicated to furthering collaborations between the fine staff of scientists and engineers at Sandia and their counterparts in American universities and industry.

It is altogether fitting that we dedicate the TTC Auditorium to the memory of Steven Schiff. Steve was a strong champion of collaborations and making the resources of our national laboratories available to US industry to help us compete in the global economy.

Mr. President, Sandia National Laboratories has 6,000 employees. The lab is one of the nation's premier national security facilities with major responsibilities for our nation's energy research and development projects. Part of Sandia's mission includes technology transfer. The emphasis is on partnerships between industry and the lab to collaborate on emerging new technologies.

Today, Sandia's vast technical expertise is being applied to solve a variety of technical problems that will benefit working Americans. A number of exciting collaborations between Sandia's engineers and private industry have come about as a direct result of Steve's efforts. Some of these collaborations include projects to improve microelectronics and computers, airline and airport safety, lightweight materials for automobiles, robots for advanced manufacturing, and automobile tires that are safer and provide consumers better fuel economy. Madam President, I could go on and on.

Perhaps the one area of Sandia's work that Steve was the most proud of was the lab's application of its 20 years of experience in state-of-the-art physical security technologies to the important areas of fighting crime and terrorism. Today, Sandia's vital and highly visible programs are helping to assure the safety and security of every American. In particular, Steve's efforts were instrumental in creating a satellite facility of the National Institute of Justice at Sandia. This linkage was especially satisfying to Steve because of his leadership positions on both the House Science and Judiciary Committees.

In a short time, Sandia's efforts for the Department of Justice and the FBI are helping to combat crime and terrorism. These programs are having a major impact on the safety and security of all Americans. These efforts are truly one of Steve Schiff's greatest legacies to New Mexico and the nation.

I'd like to cite just a few examples of Sandia's programs for the National Institute of Justice. Because of Steve's efforts, Sandia was able to play a vital role in disarming a bomb left in the unabomber's cabin. Sandia also has a school safety and security program that has dramatically increased the safety of high school students in Belén, New Mexico. I had a chance to visit the school, and it is truly remarkable what Sandia has accomplished there. Another example of Sandia's innovative technologies is the development of a "smart gun" that can only be fired in the hands of someone authorized to use it. And Sandia is developing explosive detectors for increased airport security and new ways of detecting illegal drugs.

Perhaps the culmination of Steve's efforts was last August, when 64 of the world's top bomb squads came to Operation Albuquerque '97 for hands-on experience with the latest science and methods for disabling terrorist bombs.

Madam President, using our national laboratories' unique resources to save lives and protect the safety of ordinary people is surely a proper memorial for Steve Schiff. Naming the auditorium at Sandia National Laboratories in his honor is another. I am proud to cosponsor this legislation, and I thank my colleague, Senator DOMENICI, for his efforts.

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

S. 1979. A bill to ensure the transparency of International Monetary Fund operations; to the Committee on Foreign Relations.

THE IMF TRANSPARENCY AND EFFICIENCY ACT OF 1998

Mr. CAMPBELL. Mr. President, today I introduce the "International

Monetary Fund Transparency and Efficiency Act of 1998." When bailing out failing economies, the International Monetary Fund often requires countries to make their markets more transparent, efficient and accountable. In the wake of the Asian economic crisis, it has become clear that the IMF itself also sorely needs the very same increased transparency, efficiency, and accountability that the IMF demands of others.

I am pleased to be joined today by my colleague from North Carolina, Senator FAIRCLOTH, as an original cosponsor of this legislation.

On March 17, 1998, the Senate Appropriations Committee approved S. 1769, which would provide Supplemental Appropriations for the IMF for Fiscal Year 1998. Although I voted against the amendment which would provide $18 billion to bail out the IMF, the Senate ultimately adopted this amendment. While S. 1769 contains a few provisions calling for IMF reforms, like increased transparency and calling on countries receiving IMF loans to end market distorting government subsidies, S. 1769 contains much weaker enforcement mechanisms than those contained in the bill I am introducing today. Also, S. 1769 does not curtail the IMF's subsidized interest rates, something this bill will do.

Just last week, the IMF itself freely admitted the need for increased openness and accountability. On April 14, 1998, on the eve of the IMF's annual spring meeting, Managing Director, Michel Camdessus, promised more openness and accountability at the IMF. Furthermore, during a National Journal interview earlier this month, Deputy Treasury Secretary Lawrence Summers was quoted as saying, "Equally, we cannot be satisfied with the IMF that we now have. And that is why it is important to build consensus as rapidly as possible on efforts to make the IMF a more transparent institution." I believe the American taxpayers deserve no less.

We in Congress must act to ensure that just such IMF reforms become reality. By sending the IMF's established hierarchy a clear and immediate reason to implement these reforms we will ensure that these long overdue reforms will actually take place.

This legislation is also timely. When the IMF bails out failing economies, it regularly calls for increased transparency and governmental efficiency as a precondition for receiving financial aid. The IMF is right on target in this respect. Increased transparency and accountability are crucial to give the American taxpayers reasonable assurances that the problems that cause these economic breakdowns are being directly addressed. Obviously, if these troubled economies had been transparent, efficient and open to American exports from the start, Congress would not be debating about making another $18 billion available to the IMF. Clearly, the IMF itself should live up to the standards it sets for others.

This legislation would withhold U.S. federal funding from the IMF until the Treasury Secretary certifies that the IMF has met four specific reform requirements, and then Congress enacts a joint resolution approving this certification.

First, the IMF would be required to make the minutes of its board of Governors or Executive Board available for public inspection within three months of the meeting. Second, the IMF would release copies of loan and program documents, written reviews, and other pertinent documents related to proposed and ongoing programs within three months. Third, the IMF would establish an independent board to review the IMF's operations, research and loan activities and then issue annual reports for public inspection. Finally, when granting financial assistance, the IMF would charge interest rates that are comparable to market interest rates rather than the subsidized interest rates it currently charges. Naturally, this bill includes special exemptions to protect classified U.S. information, information which would disrupt markets, and proprietary information.

The administration and IMF have requested that the American taxpayers make an additional $18 billion of their hard-earned dollars available to the IMF to replenish its fund that has been depleted by the Asian financial crisis. My bill will bring accountability to an institution, funded in large part by the American people that has—for the last 50 years—eluded true accountability. Increased transparency and efficiency will finally enable the American taxpayers to clearly see how their tax dollars are being used by the IMF.

For the reasons stated above and more, I introduce this bill as the Senate companion to H.R. 3331, recently introduced by our colleagues in the House, Congressman SAXTON of New Jersey, the Chairman of the Joint Economic Committee, Congressman TOM CAMPBELL from California, and House Majority Leader DICK ARMEY. The Heritage Foundation has described this legislation as a compromise with a lot of merit. It is time for increased transparency and efficiency at the IMF, and I urge my colleagues to support passage of this legislation. I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1979

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 "IMF Transparency and Efficiency Act of 1998".

SEC. 2. DENIAL OF FEDERAL FUNDS TO THE INTERNATIONAL MONETARY FUND IF ITS OPERATIONS ARE NOT MADE MORE TRANSPARENT.

Title XV of the International Financial Institutions Act (22 U.S.C. 262o–262o–1) is amended by adding at the end the following:

"SEC. 1503. DENIAL OF FEDERAL FUNDS TO THE INTERNATIONAL MONETARY FUND IF ITS OPERATIONS ARE NOT MADE MORE TRANSPARENT.

"(a) IN GENERAL.—An officer, employee, or agent of the United States may not, directly or indirectly, provide Federal funds to, or for the benefit of the International Monetary Fund unless—

"(1) there is in effect a written certification, made by the Secretary of the Treasury to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, that the International Monetary Fund has met the requirements of subsection (b); and

"(2) the Congress has enacted a joint resolution approving the certification.

"(b) REQUIREMENTS.—The requirements of this subsection are the following:

"(1) Within 3 months after any meeting of the Board of Governors or the Executive Board of the International Monetary Fund, an edited copy of the minutes of the meeting shall be made available for public inspection, with the following information redacted:

"(A) Information which, if released, would adversely affect the national security of a country, and which is of the type that would be classified by the United States Government.

"(B) Information which, if released, would disrupt markets.

"(C) Proprietary information.

"(2) Within 3 months after the staff of the International Monetary Fund makes a loan document, written review, program document, or assessment of any proposed or ongoing loan program of the International Monetary Fund, a copy of the review, document, or assessment, and all related and supporting materials, shall be made available for public inspection, with the following information redacted:

"(A) Information which, if released, would adversely affect the national security of a country, and which is of the type that would be classified by the United States Government.

"(B) Information which, if released, would disrupt markets.

"(C) Proprietary information.

"(3) Not later than 18 months after the date of enactment of this section:

"(A) The International Monetary Fund shall establish an independent advisory board to review the research, operations, and loan programs of the International Monetary Fund.

"(B) The legislature of each country which is represented on the Executive Board of the International Monetary Fund shall each appoint to the advisory board 1 individual with expertise in private sector finance gained in the private sector or in academia.

"(C) The advisory board shall issue annual reports summarizing its activities, which shall be available immediately for public inspection.

"(4) The annual rate at which the International Monetary Fund charges interest on loans made after the date of enactment of this section shall be comparable to the average annual rate of interest in financial markets for loans of comparable maturity, adjusted for risk.

"(c) EFFECTIVE PERIOD OF CERTIFICATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), certification made under this section shall cease to be in effect 1 year after the date the certification is made.

"(2) REVOCATION.—

"(A) IN GENERAL.—A certification made under this section shall cease to be in effect if the Secretary of the Treasury revokes the certification.

"(B) CAUSE FOR REVOCATION.—The Secretary of the Treasury shall revoke a certification made under this section if the Secretary of the Treasury is made aware that the International Monetary Fund has ceased to meet a requirement of subsection (b).".

SEC. 3. EFFECTIVE DATE.

This Act shall take effect 6 months after the date of enactment of this Act.

By Mr. BREAUX:

S. 1980. A bill to amend the Internal Revenue Code of 1986 to allow certain coins to be acquired by individual retirement accounts and other individually directed pension plan accounts; to the Committee on Finance.

INDIVIDUAL RETIREMENT ACCOUNT LEGISLATION

Mr. BREAUX. Mr. President, I rise today to introduce legislation allowing certain U.S. legal tender coins to be qualified investments for an individual retirement account (IRA).

Congress excluded "collectibles", such as antiques, gold and silver bullion, and legal tender coinage, as appropriate for contribution to IRAs in 1981. The primary reason was the concern that individuals would get a tax break when they bought collectibles for their personal use. For example, a taxpayer might deduct the purchase of an antique rug for his/her living room as an IRA investment. Congress was also concerned about how the many different types of collectibles are valued.

Over the years, however, certain coins and precious metals have been excluded from the definition of a collectible because they are independently valued investments that offer investors portfolio diversity and liquidity. For example, Congress excluded gold and silver U.S. American Eagles from the definition of collectibles in 1986, and the Taxpayer Relief Act of 1997 took the further step of excluding certain precious metals bullion.

My legislation would exclude from the definition of collectibles only those U.S. legal tender coins which meet the following three standards: certification by a nationally-recognized grading service, traded on a nationally-recognized network, and held by a qualified trustee as described in the Internal Revenue Code. In other words, only investment quality coins that are independently valued and not held for personal use may be included in IRAs.

There are several nationally-recognized, independent certification or grading services. Full-time professional graders (numismatists) examine each coin for authenticity and grade them according to established standards. Upon certification, the coin is sonically-sealed (preserved) to ensure that it remains in the same condition as when it was graded.

Legal tender coins are then traded via two independent electronic networks—the Certified Coin Exchange and Certified CoinNet. These networks are independent of each other and have no financial interest in the legal tender coinage and precious metals markets. The networks function in precisely the same manner as the NASDAQ with a series of published "bid" and "ask" prices and last trades. The buys and sells are enforceable prices that must be honored as posted until updated.

Mr. President, the liquidity provided through a bona fide national trading network, combined with published prices, make legal tender coinage a practical investment that offers investors diversification and liquidity. Investment in these tangible assets has become a safe and prudent course of action for both the small and large investor and should be given the same treatment under the law as other financial investments. I urge the Senate to enact this important legislation as soon as possible.

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. 1980

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN COINS NOT TREATED AS COLLECTIBLES.

(a) IN GENERAL.—Subparagraph (A) of section 408(m)(3) of the Internal Revenue Code of 1986 (relating to exception for certain coins and bullion) is amended to read as follows:

"(A) any coin certified by a recognized grading service and traded on a nationally recognized electronic network, or listed by a recognized wholesale reporting service, and—

"(i) which is or was at any time legal tender in the United States, or

"(ii) issued under the laws of any State, and".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1997.

By Mr. HUTCHINSON:

S. 1981. A bill to preserve the balance of rights between employers, employees, and labor organizations which is fundamental to our system of collective bargaining while preserving the rights of workers to organize, or otherwise engage in concerted activities protected under the National Labor Relations Act; read the first time.

THE TRUTH IN EMPLOYMENT ACT

Mr. HUTCHINSON. Mr. President, small businesses are under attack in this country, and the United States government, through the National Labor Relations Board and other regulatory agencies, is aiding in this unprecedented assault. This battle is being waged against small employers by paid and unpaid union operatives who get access to non-union workplaces by seeking employment in these companies. Because employers are not allowed to refuse to hire union labor, they are usually hired. Once on job, these union agents put economic pressure on their employers by causing workplace disruptions that increase their employer's cost of doing business. This union guerilla warfare against employers is known as "salting."

The weapon of choice for these union operatives is to file unfair labor charges against their merit shop employers at the National Labor Relations Board or to file complaints against their employers at the EEOC, OSHA, or other regulatory agencies. Defending against these charges and complaints costs the employers in both legal fees and in lost time. As an added benefit, these cases often net union employees large damage awards or settlements because their employers can ill-afford the expense of defending themselves against the barrage of frivolous charges being filed against them.

Consider the following examples: Gaylor Electric of Carmel, Indiana has had 96 charges filed against it. While each and every one of these cases has been dismissed without merit, Gaylor Electric has had to bear the cost of these cases to the tune of $250,000 per year. Likewise, hth Companies in Union, Missouri has had 48 unfair labor charges filed against it. Again, while all but one of these cases was dismissed, hth Companies has wasted $150,000 defending itself against these frivolous charges. Bay Electric in Cape Elizabeth wasted over $100,000 defending itself against 14 unfair labor charges—each of which was dismissed without merit. Wright Electric in Delano, Minnesota has lost almost $500,000 defending itself against 15 unfair labor charges, 14 of which have been dismissed, and one of which is still pending.

In my home state, Little Rock Electrical, of Little Rock, Arkansas has been flooded with 72 unfair labor cases in just one year, 20 of which have already been dismissed, and 45 which have been set for trial. Finally, R.D. Goss in Clearfield, Pennsylvania has suffered the worst, having been hit with 20 unfair labor cases, all but one of which was dismissed—but which forced them out of business after 38 years.

Mr. President, I support the right of workers to organize, and I am always reluctant to propose federal legislation that interferes in private matters—particularly private contractual relationships between employers and employees. However, in this case, as the above examples show, the federal government, particularly through the National Labor Relations Board, is

wreaking havoc on merit shop contractors through this unfair, but legal, practice.

Evidence as to the true nature and intent of union salting was best explained in the Organizing Manual of the International Brotherhood of Electrical Workers (IBEW), which stated that the true goal of "salting" is to:

> . . . threaten or actually apply the economic pressure necessary to cause the employer to . . . raise his prices to recoup additional costs, scale back his business activities, leave the union's jurisdiction, go out of business, and so on.

Or, more bluntly, in the words of an IBEW organizing flyer, the goal is:

> . . . infiltration, confrontation, litigation, disruption, and hopefully annihilation of all non-union contractors.

On February 13, 1997, I introduced legislation that addresses the issue of salting. This legislation, The Truth in Employment Act of 1997, would have allowed employers to reject an applicant that has no intention of actually working for the company, but who was instead solely interested in organizing and harassing their employer and fellow employees. Earlier this month, the House of Representatives passed their own version of the Truth in Employment Act, under the able leadership of Chairman BILL GOODLING of Pennsylvania and Chairman HARRIS FAWELL of Illinois, both of whom I had the privilege of serving with when I was a Member of the House.

Today, I am introducing new legislation to address this issue of salting. My new bill, the Truth in Employment Act of 1998 is identical to the House passed version.

Mr. President, the strength of this country rests on the freedom of individuals to pursue their dreams and ideas, and to risk their own capital to open and operate small businesses. Likewise, this country is built on the principle that workers are free to sell their labor, and if they deem necessary, to join fellow workers to negotiate higher pay or better working conditions. This measure will not undermine either of these legitimate rights. This bill only seeks to stop the destructive practice of "salting" to protect employers who operate non-union shops, and to protect employees who freely choose to work for these non-union employers.

I would urge my fellow Senators to join our colleagues in the House and pass the Truth in Employment Act. The survival of America's small businesses demand that we act.

ADDITIONAL COSPONSORS

S. 236

At the request of Mr. GRAMS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 236, a bill to abolish the Department of Energy, and for other purposes.

S. 887

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 887, a bill to establish in the National Park Service the National Underground Railroad Network to Freedom program, and for other purposes.

S. 981

At the request of Mr. LEVIN, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 981, a bill to provide for analysis of major rules.

S. 1069

At the request of Mr. MURKOWSKI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1069, a bill entitled the "National Discovery Trails Act of 1997."

S. 1141

At the request of Mr. JOHNSON, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1141, a bill to amend the Energy Policy Act of 1992 to take into account newly developed renewable energy-based fuels and to equalize alternative fuel vehicle acquisition incentives to increase the flexibility of controlled fleet owners and operators, and for other purposes.

S. 1251

At the request of Mr. D'AMATO, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1251, a bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

S. 1252

At the request of Mr. D'AMATO, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1273

At the request of Mr. GRAHAM, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1273, a bill to amend title 10, United States Code, to expand the National Mail Order Pharmacy Program of the Department of Defense to include covered beneficiaries under the military health care system who are also entitled to medicare.

S. 1375

At the request of Mr. KOHL, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 1375, a bill to promote energy conservation investments in Federal facilities, and for other purposes.

S. 1413

At the request of Mr. LUGAR, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 1413, a bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions.

S. 1525

At the request of Mr. SPECTER, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 1525, a bill to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty.

S. 1580

At the request of Mr. SHELBY, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1580, a bill to amend the Balanced Budget Act of 1997 to place an 18-month moratorium on the prohibition of payment under the medicare program for home health services consisting of venipuncture solely for the purpose of obtaining a blood sample, and to require the Secretary of Health and Human Services to study potential fraud and abuse under such program with respect to such services.

S. 1712

At the request of Mr. JEFFORDS, the names of the Senator from North Carolina (Mr. FAIRCLOTH) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 1712, a bill to amend title XXVII of the Public Health Service Act and part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to improve the quality of health plans and provide protections for consumers enrolled in such plans.

S. 1774

At the request of Mr. LOTT, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of 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.

S. 1802

At the request of Mr. ASHCROFT, his name was added as a cosponsor of S. 1802, a bill to authorize appropriations for the Surface Transportation Board for fiscal years 1999, 2000, and 2001.

S. 1825

At the request of Mrs. MURRAY, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1825, a bill to amend title 10, United States Code, to provide sufficient funding to assure a minimum size for honor guard details at funerals of veterans of the Armed Forces, to establish the minimum size of such details, and for other purposes.

S. 1858

At the request of Mr. JEFFORDS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1858, a bill to amend the Social Security Act to provide individuals with disabilities with incentives to become economically self-sufficient.

S. 1868

At the request of Mr. NICKLES, the names of the Senator from North Carolina (Mr. FAIRCLOTH) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 1868, a bill to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted for their faith worldwide; to authorize United States actions in response to religious persecution worldwide; to establish an Ambassador at Large on International Religious Freedom within the Department of State, a Commission on International Religious Persecution, and a Special Adviser on International Religious Freedom within the National Security Council; and for other purposes.

S. 1900

At the request of Mr. D'AMATO, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1900, a bill to establish a commission to examine issues pertaining to the disposition of Holocaust-era assets in the United States before, during, and after World War II, and to make recommendations to the President on further action, and for other purposes.

S. 1907

At the request of Mr. DASCHLE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1907, a bill to amend the Internal Revenue Code of 1986 to allow a refundable tax credit for wetland restoration and conservation expenses.

S. 1963

At the request of Mr. THURMOND, the name of the Senator from North Carolina (Mr. FAIRCLOTH) was added as a cosponsor of S. 1963, a bill to amend title 10, United States Code, to permit certain beneficiaries of the military health care system to enroll in Federal employees health benefits plans.

S. 1970

At the request of Mr. ABRAHAM, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1970, a bill to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

SENATE CONCURRENT RESOLUTION 75

At the request of Mr. FEINGOLD, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from South Dakota (Mr. DASCHLE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Idaho (Mr. KEMPTHORNE), the Senator from North Dakota (Mr. DORGAN), the Senator from North Dakota (Mr. CONRAD), the Senator from Nebraska (Mr. HAGEL), the Senator from Michigan (Mr. LEVIN), the Senator from Ohio (Mr. GLENN), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of Senate Concurrent Resolution 75, a concurrent resolution honoring the sesquicentennial of Wisconsin statehood.

AMENDMENT NO. 2303

At the request of Mr. LEVIN, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Illinois (Ms. MOSELEY-BRAUN) were added as cosponsors of amendment No. 2303 proposed to H.R. 2646, a bill 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.

SENATE CONCURRENT RESOLUTION 90—TO ACKNOWLEDGE THE HISTORIC NORTHERN IRELAND PEACE AGREEMENT

Mr. DODD (for himself, Mr. KENNEDY, Mr. MOYNIHAN, Mr. DASCHLE, Mr. LEAHY, Mr. LAUTENBERG, Mr. KERRY, Mr. MACK, Mr. D'AMATO, and Mr. WELLSTONE) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 90

Whereas the people of Ireland have experienced civil conflict throughout their history with the latest phase, known as The Troubles, ongoing for the last thirty years;

Whereas this tragic history has cost the lives of thousands of men, women, and children, and has left a deep and profound legacy of suffering;

Whereas the governments of the Republic of Ireland and the United Kingdom have endeavored for many years to facilitate a peaceful resolution to the conflict in Northern Ireland; and such efforts, including the 1985 Anglo-Irish Agreement, the 1993 Joint Declaration, and the 1995 New Framework for Agreement, were important milestones in guiding the parties toward a political agreement;

Whereas the announced cessation of armed hostilities in 1994 by the Irish Republican Army and the Combined Loyalist Military Command created the opportunity for all-inclusive political discussions to occur;

Whereas representatives from Northern Ireland's political parties, pledging to adhere to the principles of non-violence, commenced all-party talks in June 1996, and those talks greatly intensified in the Spring of 1998 under the chairmanship of former United States Senator George Mitchell;

Whereas the active participation of British Prime Minister Tony Blair and Irish Taoiseach Bertie Ahern was indispensable to the success of negotiations;

Whereas the support and encouragement for the Northern Ireland peace process by President Clinton, on behalf of the United States, was also an important factor in the success of the negotiations;

Whereas on April 10, 1998, the political parties, together with the British and Irish Governments successfully concluded the Northern Ireland Peace Agreement;

Whereas people throughout the island will have an opportunity to approve or reject the final agreement during the May 22 referendums;

Whereas the British and Irish Governments have committed to making the necessary constitutional and other legal changes necessary to bring the agreement into effect after the referendum approval processes have been concluded: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), that it is the sense of the Congress that—

(1) All of the participants in the neogiations deserve congratulations for their willingness to make honorable compromises in order to reach an agreement that promises to end the tragic cycle of violence that has dominated Northern Ireland for decades;

(2) Prime Minister Tony Blair and Taoiseach Bertie Ahern deserve particular credit for their leadership and constant encouragement in support of the peace process;

(3) The American people can be especially proud of the contributions made by the United States in the quest for peace, including President Clinton's vision and determination to achieve peace in Northern Ireland and his personal commitment to remain an active supporter throughout the process;

(4) All friends of Ireland owe a lasting debt of gratitude to Senator George Mitchell for his dedication, courage, leadership, and wisdom in guiding the peace talks to a successful conclusion.

SENATE RESOLUTION 214—DIRECTING THE SECRETARY OF THE SENATE TO REQUEST THE HOUSE OF REPRESENTATIVES TO RETURN THE OFFICIAL PAPERS ON S. 414

Mrs. HUTCHISON submitted the following resolution; which was considered and agreed to:

S. RES. 215

Resolved, That the Secretary of the Senate is directed to request the House of Representatives to return to the Senate the official papers on S. 414, entitled "An Act to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States exports, and for other purposes".

SEC. 2. Upon the return of the official papers from the House of Representatives, the Secretary of the Senate is directed to make the following change in the text of the bill, viz:

In the amendment of section 8(f) of the Shipping Act of 1984 by section 106(e) of the bill, insert a comma and "including limitations of liability for cargo loss or damage," after "practices".

AMENDMENTS SUBMITTED

THE EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

DODD (AND OTHERS) AMENDMENT NO. 2305

Mr. DODD (for himself, Mr. LEAHY, Mr. HARKIN, Mr. KENNEDY, Mr.

WELLSTONE, Mrs. BOXER, and Mr. REED) proposed an amendment 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. FUNDING FOR PART B OF IDEA.

Any net revenue increases resulting from the enactment of title II that remain available, taking into account the provisions of this title, shall be used to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

BOXER (AND OTHERS) AMENDMENT NO. 2306

Mrs. BOXER (for herself, Mrs. MURRAY, Mr. BINGAMAN, Mr. JOHNSON, Mr. LIEBERMAN, Mr. SARBANES, Mr. KERRY, Mr. DODD, Mr. DURBIN, Mr. LEVIN, Mr. AKAKA, Mr. KOHL, Mr. WELLSTONE, Mr. BRYAN, Mr. KENNEDY, Mr. INOUYE, Mr. DASCHLE, Ms. MOSELEY-BRAUN, and Ms. MIKULSKI) proposed an amendment to the bill, H.R. 2646, supra; as follows:

At the end, add the following:

TITLE ___—AFTER SCHOOL EDUCATION AND SAFETY

SECTION ___01. SHORT TITLE.

This title may be cited as the "After School Education and Safety Act of 1998".

SEC. ___02. PURPOSE.

The purpose of this title is to improve academic and social outcomes for students by providing productive activities during after school hours.

SEC. ___03. FINDINGS.

Congress makes the following findings:

(1) Today's youth face far greater social risks than did their parents and grandparents.

(2) Students spend more of their waking hours alone, without supervision, companionship, or activity than the students spend in school.

(3) Law enforcement statistics show that youth who are ages 12 through 17 are most at risk of committing violent acts and being victims of violent acts between 3 p.m. and 6 p.m.

SEC. ___04. GOALS.

The goals of this title are as follows:

(1) To increase the academic success of students.

(2) To improve the intellectual, social, physical, and cultural skills of students.

(3) To promote safe and healthy environments for students.

(4) To prepare students for workforce participation.

(5) To provide alternatives to drug, alcohol, tobacco, and gang, activity.

SEC. ___05. DEFINITIONS.

In this title:

(1) SCHOOL.—The term "school" means a public kindergarten, or a public elementary school or secondary school, as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) SECRETARY.—The term "Secretary" means the Secretary of Education.

SEC. ___06. PROGRAM AUTHORIZED.

The Secretary is authorized to carry out a program under which the Secretary awards grants to schools to enable the schools to carry out the activities described in section ___07(a).

SEC. ___07. AUTHORIZED ACTIVITIES; REQUIREMENTS.

(a) AUTHORIZED ACTIVITIES.—

(1) REQUIRED.—Each school receiving a grant under this title shall carry out at least 2 of the following activities:

(A) Mentoring programs.

(B) Academic assistance.

(C) Recreational activities.

(D) Technology training.

(2) PERMISSIVE.—Each school receiving a grant under this title may carry out any of the following activities:

(A) Drug, alcohol, and gang prevention activities.

(B) Health and nutrition counseling.

(C) Job skills preparation activities.

(b) TIME.—A school shall provide the activities described in subsection (a) only after regular school hours during the school year.

(c) SPECIAL RULE.—Each school receiving a grant under this title shall carry out activities described in subsection (a) in a manner that reflects the specific needs of the population, students, and community to be served.

(d) LOCATION.—A school shall carry out the activities described in subsection (a) in a school building or other public facility designated by the school.

(e) ADMINISTRATION.—In carrying out the activities described in subsection (a), a school is encouraged—

(1) to request volunteers from the business and academic communities to serve as mentors or to assist in other ways;

(2) to request donations of computer equipment; and

(3) to work with State and local park and recreation agencies so that activities which are described in subsection (a) and carried out prior to the date of enactment of this Act are not duplicated by activities assisted under this title.

SEC. ___08. APPLICATIONS.

Each school desiring a grant under this title shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

(1) identify how the goals set forth in section ___04 shall be met by the activities assisted under this title;

(2) provide evidence of collaborative efforts by students, parents, teachers, site administrators, and community members in the planning and administration of the activities;

(3) contain a description of how the activities will be administered;

(4) demonstrate how the activities will utilize or cooperate with publicly or privately funded programs in order to avoid duplication of activities in the community to be served;

(5) contain a description of the funding sources and in-kind contributions that will support the activities; and

(6) contain a plan for obtaining non-Federal funding for the activities.

SEC. ___09. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $50,000,000 for each of the fiscal years 1998 through 2002.

SEC. ___10. SENSE OF THE SENATE.

It is the sense of the Senate that funding to carry out this title should be provided by a reduction in certain function 920 allowances, as such reduction was provided in the Senate-passed budget resolution for fiscal year 1999.

DORGAN AMENDMENT NO. 2307

Mr. COVERDELL (for Mr. DORGAN) proposed an amendment to the bill, H.R. 2646, supra; as follows:

At the end, add the following:

SEC. . SAFER SCHOOLS.

(a) SHORT TITLE.—This section may be cited as the "Safer Schools Act of 1998".

(b) AMENDMENT.—Section 14601 of the Gun-Free Schools Act of 1994 (20 U.S.C. 8921) is amended by adding at the end the following new subsection:

"(g) For the purposes of this section, a weapon that has been determined to have been brought to a school by a student shall be admissible as evidence in any internal school disciplinary proceeding (related to an expulsion under this section.".

BINGAMAN (AND OTHERS) AMENDMENT NO. 2308

Mr. BINGAMAN (for himself and Mr. REID, Mrs. FEINSTEIN, Mr. CHAFEE, and Mr. BRYAN) proposed an amendment to the bill, H.R. 2646, supra; as follows:

At the end, add the following:

TITLE ___—DROPOUT PREVENTION AND STATE RESPONSIBILITIES

SEC. ___01. SHORT TITLE.

This title may be cited as the "National Dropout Prevention Act of 1998".

Subtitle A—Dropout Prevention

SEC. ___11. DROPOUT PREVENTION.

Part C of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7261 et seq.) is amended to read as follows:

"PART C—ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

"Subpart 1—Coordinated National Strategy

"SEC. 5311. NATIONAL ACTIVITIES.

"(a) NATIONAL PRIORITY.—It shall be a national priority, for the 5-year period beginning on the date of enactment of the National Dropout Prevention Act of 1998, to lower the school dropout rate, and increase school completion, for middle school and secondary school students in accordance with Federal law. As part of this priority, all Federal agencies that carry out activities that serve students at risk of dropping out of school or that are intended to help address the school dropout problem shall make school dropout prevention a top priority in the agencies' funding priorities during the 5-year period.

"(b) ENHANCED DATA COLLECTION.—The Secretary shall collect systematic data on the participation of different racial and ethnic groups (including migrant and limited English proficient students) in all Federal programs.

"SEC. 5312. NATIONAL SCHOOL DROPOUT PREVENTION STRATEGY.

"(a) PLAN.—The Director shall develop, implement, and monitor an interagency plan (in this section referred to as the "plan") to assess the coordination, use of resources, and availability of funding under Federal law that can be used to address school dropout prevention, or middle school or secondary school reentry. The plan shall be completed and transmitted to the Secretary and Congress not later than 180 days after the first Director is appointed.

"(b) COORDINATION.—The plan shall address inter- and intra-agency program coordination issues at the Federal level with respect

to school dropout prevention and middle school and secondary school reentry, assess the targeting of existing Federal services to students who are most at risk of dropping out of school, and the cost-effectiveness of various programs and approaches used to address school dropout prevention.

"(c) AVAILABLE RESOURCES.—The plan shall also describe the ways in which State and local agencies can implement effective school dropout prevention programs using funds from a variety of Federal programs, including the programs under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

"(d) SCOPE.—The plan will address all Federal programs with school dropout prevention or school reentry elements or objectives, programs under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.), title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.), and part B of title IV of the Job Training Partnership Act (29 U.S.C. 1691 et seq.), and other programs.

"SEC. 5313. NATIONAL CLEARINGHOUSE.

"Not later than 6 months after the date of enactment of the National Dropout Prevention Act of 1998, the Director shall establish a national clearinghouse on effective school dropout prevention, intervention and reentry programs. The clearinghouse shall be established through a competitive grant or contract awarded to an organization with a demonstrated capacity to provide technical assistance and disseminate information in the area of school dropout prevention, intervention, and reentry programs. The clearinghouse shall—

"(1) collect and disseminate to educators, parents, and policymakers information on research, effective programs, best practices, and available Federal resources with respect to school dropout prevention, intervention, and reentry programs, including dissemination by an electronically accessible database, a worldwide Web site, and a national journal; and

"(2) provide technical assistance regarding securing resources with respect to, and designing and implementing, effective and comprehensive school dropout prevention, intervention, and reentry programs.

"SEC. 5314. NATIONAL RECOGNITION PROGRAM.

"(a) IN GENERAL.—The Director shall carry out a national recognition program that recognizes schools that have made extraordinary progress in lowering school dropout rates under which a public middle school or secondary school from each State will be recognized. The Director shall use uniform national guidelines that are developed by the Director for the recognition program and shall recognize schools from nominations submitted by State educational agencies.

"(b) ELIGIBLE SCHOOLS.—The Director may recognize any public middle school or secondary school (including a charter school) that has implemented comprehensive reforms regarding the lowering of school dropout rates for all students at that school.

"(c) SUPPORT.—The Director may make monetary awards to schools recognized under this section, in amounts determined by the Director. Amounts received under this section shall be used for dissemination activities within the school district or nationally.

"Subpart 2—National School Dropout Prevention Initiative

"SEC. 5321. FINDINGS.

"Congress finds that, in order to lower dropout rates and raise academic achievement levels, improved and redesigned schools must—

"(1) challenge all children to attain their highest academic potential; and

"(2) ensure that all students have substantial and ongoing opportunities to—

"(A) achieve high levels of academic and technical skills;

"(B) prepare for college and careers;

"(C) learn by doing;

"(D) work with teachers in small schools within schools;

"(E) receive ongoing support from adult mentors;

"(F) access a wide variety of information about careers and postsecondary education and training;

"(G) use technology to enhance and motivate learning; and

"(H) benefit from strong links among middle schools, secondary schools, and postsecondary institutions.

"SEC. 5322. PROGRAM AUTHORIZED.

"(a) ALLOTMENTS TO STATES.—

"(1) IN GENERAL.—From the sum made available under section 5332(b) for a fiscal year the Secretary shall make an allotment to each State in an amount that bears the same relation to the sum as the amount the State received under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) for the preceding fiscal year bears to the amount received by all States under such title for the preceding fiscal year.

"(2) DEFINITION OF STATE.—In this subpart, the term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(b) GRANTS.—From amounts made available to a State under subsection (a), the State educational agency may award grants to public middle schools or secondary schools, that have school dropout rates which are in the highest ⅓ of all school dropout rates in the State, to enable the schools to pay only the startup and implementation costs of effective, sustainable, coordinated, and whole school dropout prevention programs that involve activities such as—

"(1) professional development;

"(2) obtaining curricular materials;

"(3) release time for professional staff;

"(4) planning and research;

"(5) remedial education;

"(6) reduction in pupil-to-teacher ratios;

"(7) efforts to meet State student achievement standards; and

"(8) counseling for at-risk students.

"(c) INTENT OF CONGRESS.—It is the intent of Congress that the activities started or implemented under subsection (a) shall be continued with funding provided under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

"(d) AMOUNT.—

"(1) IN GENERAL.—Subject to subsection (e) and except as provided in paragraph (2), a grant under this subpart shall be awarded—

"(A) in the first year that a school receives a grant payment under this subpart, in an amount that is not less than $50,000 and not more than $100,000, based on factors such as—

"(i) school size;

"(ii) costs of the model being implemented; and

"(iii) local cost factors such as poverty rates;

"(B) in the second such year, in an amount that is not less than 75 percent of the amount the school received under this subpart in the first such year;

"(C) in the third year, in an amount that is not less than 50 percent of the amount the school received under this subpart in the first such year; and

"(D) in each succeeding year in an amount that is not less than 30 percent of the amount the school received under this subpart in the first such year.

"(2) INCREASES.—The Director shall increase the amount awarded to a school under this subpart by 10 percent if the school creates smaller learning communities within the school and the creation is certified by the State educational agency.

"(e) DURATION.—A grant under this subpart shall be awarded for a period of 3 years, and may be continued for a period of 2 additional years if the State educational agency determines, based on the annual reports described in section 5328(a), that significant progress has been made in lowering the school dropout rate for students participating in the program assisted under this subpart compared to students at similar schools who are not participating in the program.

"SEC. 5323. STRATEGIES AND ALLOWABLE MODELS.

"(a) STRATEGIES.—Each school receiving a grant under this subpart shall implement research-based, sustainable, and widely replicated, strategies for school dropout prevention and reentry that address the needs of an entire school population rather than a subset of students. The strategies may include—

"(1) specific strategies for targeted purposes; and

"(2) approaches such as breaking larger schools down into smaller learning communities and other comprehensive reform approaches, developing clear linkages to career skills and employment, and addressing specific gatekeeper hurdles that often limit student retention and academic success.

"(b) ALLOWABLE MODELS.—The Director shall annually establish and publish in the Federal Register the principles, criteria, models, and other parameters regarding the types of effective, proven program models that are allowed to be used under this subpart, based on existing research.

"(c) CAPACITY BUILDING.—

"(1) IN GENERAL.—The Director, through a contract with a non-Federal entity, shall conduct a capacity building and design initiative in order to increase the types of proven strategies for dropout prevention on a schoolwide level.

"(2) NUMBER AND DURATION.—

"(A) NUMBER.—The Director shall award not more than 5 contracts under this subsection.

"(B) DURATION.—The Director shall award a contract under this section for a period of not more than 5 years.

"(d) SUPPORT FOR EXISTING REFORM NETWORKS.—

"(1) IN GENERAL.—The Director shall provide appropriate support to eligible entities to enable the eligible entities to provide training, materials, development, and staff assistance to schools assisted under this subpart.

"(2) DEFINITION OF ELIGIBLE ENTITY.—The term 'eligible entity' means an entity that, prior to the date of enactment of the National Dropout Prevention Act of 1998—

"(A) provided training, technical assistance, and materials to 100 or more elementary schools or secondary schools; and

"(B) developed and published a specific educational program or design for use by the schools.

"SEC. 5324. SELECTION OF SCHOOLS.

"(a) SCHOOL APPLICATION.—

"(1) IN GENERAL.—Each school desiring a grant under this subpart shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may require.

"(2) CONTENTS.—Each application submitted under paragraph (1) shall—

"(A) contain a certification from the local educational agency serving the school that—

"(i) the school has the highest number or rates of school dropouts in the age group served by the local educational agency;

"(ii) the local educational agency is committed to providing ongoing operational support, for the school's comprehensive reform plan to address the problem of school dropouts, for a period of 5 years; and

"(iii) the local educational agency will support the plan, including—

"(I) release time for teacher training;

"(II) efforts to coordinate activities for feeder schools; and

"(III) encouraging other schools served by the local educational agency to participate in the plan;

"(B) demonstrate that the faculty and administration of the school have agreed to apply for assistance under this subpart, and provide evidence of the school's willingness and ability to use the funds under this subpart, including providing an assurance of the support of 80 percent or more of the professional staff at the school;

"(C) describe the instructional strategies to be implemented, how the strategies will serve all students, and the effectiveness of the strategies;

"(D) describe a budget and timeline for implementing the strategies;

"(E) contain evidence of interaction with an eligible entity described in section 5323(d)(2);

"(F) contain evidence of coordination with existing resources;

"(G) provide an assurance that funds provided under this subpart will supplement and not supplant other Federal, State, and local funds;

"(H) describe how the activities to be assisted conform with an allowable model described in section 5323(b); and

"(I) demonstrate that the school and local educational agency have agreed to conduct a schoolwide program under 1114.

"(b) STATE AGENCY REVIEW AND AWARD.—The State educational agency shall review applications and award grants to schools under subsection (a) according to a review by a panel of experts on school dropout prevention.

"(c) CRITERIA.—The Director shall establish clear and specific selection criteria for awarding grants to schools under this subpart. Such criteria shall be based on school dropout rates and other relevant factors for State educational agencies to use in determining the number of grants to award and the type of schools to be awarded grants.

"(d) ELIGIBILITY.—

"(1) IN GENERAL.—A school is eligible to receive a grant under this subpart if the school is—

"(A) a public school—

"(i) that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), including a comprehensive secondary school, a vocational or technical secondary school, and a charter school; and

"(ii)(I) that serves students 50 percent or more of whom are low-income individuals; or

"(II) with respect to which the feeder schools that provide the majority of the incoming students to the school serve students 50 percent or more of whom are low-income individuals; or

"(B) is participating in a schoolwide program under section 1114 during the grant period.

"(2) OTHER SCHOOLS.—A private or parochial school, an alternative school, or a school within a school, is not eligible to receive a grant under this subpart, but an alternative school or school within a school may be served under this subpart as part of a whole school reform effort within an entire school building.

"(e) COMMUNITY-BASED ORGANIZATIONS.—A school that receives a grant under this subpart may use the grant funds to secure necessary services from a community-based organization, including private sector entities, if—

"(1) the school approves the use;

"(2) the funds are used to provide school dropout prevention and reentry activities related to schoolwide efforts; and

"(3) the community-based organization has demonstrated the organization's ability to provide effective services as described in section 107(a) of the Job Training Partnership Act (29 U.S.C. 1517(a)).

"(f) COORDINATION.—Each school that receives a grant under this subpart shall coordinate the activities assisted under this subpart with other Federal programs, such as programs assisted under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.) and the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

"SEC. 5325. DISSEMINATION ACTIVITIES.

"Each school that receives a grant under this subpart shall provide information and technical assistance to other schools within the school district, including presentations, document-sharing, and joint staff development.

"SEC. 5326. PROGRESS INCENTIVES.

"Notwithstanding any other provision of law, each local educational agency that receives funds under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) shall use such funding to provide assistance to schools served by the agency that have not made progress toward lowering school dropout rates after receiving assistance under this subpart for 2 fiscal years.

"SEC. 5327. SCHOOL DROPOUT RATE CALCULATION.

"For purposes of calculating a school dropout rate under this subpart, a school shall use—

"(1) the annual event school dropout rate for students leaving a school in a single year determined in accordance with the National Center for Education Statistics' Common Core of Data, if available; or

"(2) in other cases, a standard method for calculating the school dropout rate as determined by the State educational agency.

"SEC. 5328. REPORTING AND ACCOUNTABILITY.

"(a) REPORTING.—In order to receive funding under this subpart for a fiscal year after the first fiscal year a school receives funding under this subpart, the school shall provide, on an annual basis, to the Director a report regarding the status of the implementation of activities funded under this subpart, the disaggregated outcome data for students at schools assisted under this subpart such as dropout rates, and certification of progress from the eligible entity whose strategies the school is implementing.

"(b) ACCOUNTABILITY.—On the basis of the reports submitted under subsection (a), the Director shall evaluate the effect of the activities assisted under this subpart on school dropout prevention compared to a control group.

"SEC. 5329. PROHIBITION ON TRACKING.

"(a) IN GENERAL.—A school shall be ineligible to receive funding under this subpart for a fiscal year, if the school—

"(1) has in place a general education track;

"(2) provides courses with significantly different material and requirements to students at the same grade level; or

"(3) fails to encourage all students to take a core curriculum of courses.

"(b) REGULATIONS.—The Secretary shall promulgate regulations implementing subsection (a).

"Subpart 3—Definitions; Authorization of Appropriations

"SEC. 5331. DEFINITIONS.

"In this Act:

"(1) DIRECTOR.—The term "Director" means the Director of the Office of Dropout Prevention and Program Completion established under section 219 of the General Education Provisions Act.

"(2) LOW-INCOME.—The term "low-income", used with respect to an individual, means an individual determined to be low-income in accordance with measures described in section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)).

"(3) SCHOOL DROPOUT.—The term "school dropout" has the meaning given the term in section 4(17) of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6103(17)).

"SEC. 5332. AUTHORIZATION OF APPROPRIATIONS.

"(a) SUBPART 1.—There are authorized to be appropriated to carry out subpart 1, $5,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) SUBPART 2.—There are authorized to be appropriated to carry out subpart 2, $145,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years, of which—

"(1) $125,000,000 shall be available to carry out section 5322; and

"(2) $20,000,000 shall be available to carry out section 5323.".

SEC. __12. OFFICE OF DROPOUT PREVENTION AND PROGRAM COMPLETION.

Title II of the Department of Education Organization Act (20 U.S.C. 3411) is amended—

(1) by redesignating section 216 (as added by Public Law 103–227) as section 218; and

(2) by adding after section 218 (as redesignated by paragraph (1)) the following:

"OFFICE OF DROPOUT PREVENTION AND PROGRAM COMPLETION

"SEC. 219. (a) ESTABLISHMENT.—There shall be in the Department of Education an Office of Dropout Prevention and Program Completion (hereafter in this section referred to as the 'Office'), to be administered by the Director of the Office of Dropout Prevention and Program Completion. The Director of the Office shall report directly to the Secretary and shall perform such additional functions as the Secretary may prescribe.

"(b) DUTIES.—The Director of the Office of Dropout Prevention and Program Completion (hereafter in this section referred to as the 'Director'), through the Office, shall—

"(1) help coordinate Federal, State, and local efforts to lower school dropout rates and increase program completion by middle school, secondary school, and college students;

"(2) recommend Federal policies, objectives, and priorities to lower school dropout rates and increase program completion;

"(3) oversee the implementation of subpart 2 of part C of title V of the Elementary and Secondary Education Act of 1965;

"(4) develop and implement the National School Dropout Prevention Strategy under section 5312 of the Elementary and Secondary Education Act of 1965;

"(5) annually prepare and submit to Congress and the Secretary a national report describing efforts and recommended actions regarding school dropout prevention and program completion;

"(6) recommend action to the Secretary and the President, as appropriate, regarding school dropout prevention and program completion; and

"(7) consult with and assist State and local governments regarding school dropout prevention and program completion.

"(c) SCOPE OF DUTIES.—The scope of the Director's duties under subsection (b) shall include examination of all Federal and non-Federal efforts related to—

"(1) promoting program completion for children attending middle school or secondary school;

"(2) programs to obtain a secondary school diploma or its recognized equivalent (including general equivalency diploma (GED) programs), or college degree programs; and

"(3) reentry programs for individuals aged 12 to 24 who are out of school.

"(d) DETAILING.—In carrying out the Director's duties under this section, the Director may request the head of any Federal department or agency to detail personnel who are engaged in school dropout prevention activities to another Federal department or agency in order to implement the National School Dropout Prevention Strategy.".

Subtitle B—State Responsibilities

SEC. __21. STATE RESPONSIBILITIES.

Title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801 et seq.) is amended by adding at the end the following:

"PART I—DROPOUT PREVENTION

"SEC. 14851. DROPOUT PREVENTION.

"In order to receive any assistance under this Act, a State educational agency shall comply with the following provisions regarding school dropouts:

"(1) UNIFORM DATA COLLECTION.—Within 1 year after the date of enactment of the National Dropout Prevention Act of 1998, a State educational agency shall report to the Secretary and statewide, all school district and school data regarding school dropout rates in the State, and demographic breakdowns, according to procedures that conform with the National Center for Education Statistics' Common Core of Data.

"(2) ATTENDANCE-NEUTRAL FUNDING POLICIES.—Within 2 years after the date of enactment of the National Dropout Prevention Act of 1998, a State educational agency shall develop and implement education funding formula policies for public schools that provide appropriate incentives to retain students in school throughout the school year, such as—

"(A) a student count methodology that does not determine annual budgets based on attendance on a single day early in the academic year; and

"(B) specific incentives for retaining enrolled students throughout each year.

"(3) SUSPENSION AND EXPULSION POLICIES.—Within 2 years after the date of enactment of the National Dropout Prevention Act of 1998, a State educational agency shall develop uniform, long-term suspension and expulsion policies for serious infractions resulting in more than 10 days of exclusion from school per academic year so that similar violations result in similar penalties.".

COVERDELL AMENDMENT NO. 2309

Mr. COVERDELL proposed an amendment to the bill, H.R. 2646, supra; as follows:

At the appropriate place, insert the following:

TITLE ___—READING EXCELLENCE

SEC. ___01. SHORT TITLE.

This title may be cited as the "Reading Excellence Act".

Subtitle A—Reading Grants

SEC. ___11. AMENDMENT TO ESEA FOR READING GRANTS.

Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(1) by redesignating part D as part E; and

(2) by inserting after part C the following:

"PART D—READING GRANTS

"SEC. 2351. PURPOSE.

"The purposes of this part are as follows:

"(1) To teach every child to read in their early childhood years—

"(A) as soon as they are ready to read; or

"(B) as soon as possible once they enter school, but not later than 3d grade.

"(2) To improve the reading skills of students, and the in-service instructional practices for teachers who teach reading, through the use of findings from reliable, replicable research on reading, including phonics.

"(3) To expand the number of high-quality family literacy programs.

"(4) To reduce the number of children who are inappropriately referred to special education due to reading difficulties.

"SEC. 2352. DEFINITIONS.

"For purposes of this part:

"(1) ELIGIBLE PROFESSIONAL DEVELOPMENT PROVIDER.—The term 'eligible professional development provider' means a provider of professional development in reading instruction to teachers that is based on reliable, replicable research on reading.

"(2) ELIGIBLE RESEARCH INSTITUTION.—The term 'eligible research institution' means an institution of higher education at which reliable, replicable research on reading has been conducted.

"(3) FAMILY LITERACY SERVICES.—The term 'family literacy services' means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family (such as eliminating or reducing welfare dependency) and that integrate all of the following activities:

"(A) Interactive literacy activities between parents and their children.

"(B) Equipping parents to partner with their children in learning.

"(C) Parent literacy training, including training that contributes to economic self-sufficiency.

"(D) Appropriate instruction for children of parents receiving parent literacy services.

"(4) READING.—The term 'reading' means the process of comprehending the meaning of written text by depending on—

"(A) the ability to use phonics skills, that is, knowledge of letters and sounds, to decode printed words quickly and effortlessly, both silently and aloud;

"(B) the ability to use previously learned strategies for reading comprehension; and

"(C) the ability to think critically about the meaning, message, and aesthetic value of the text.

"(5) READING READINESS.—The term 'reading readiness' means activities that—

"(A) provide experience and opportunity for language development;

"(B) create appreciation of the written word;

"(C) develop an awareness of printed language, the alphabet, and phonemic awareness; and

"(D) develop an understanding that spoken and written language is made up of phonemes, syllables, and words.

"(6) RELIABLE, REPLICABLE RESEARCH.—The term 'reliable, replicable research' means objective, valid, scientific studies that—

"(A) include rigorously defined samples of subjects that are sufficiently large and representative to support the general conclusions drawn;

"(B) rely on measurements that meet established standards of reliability and validity;

"(C) test competing theories, where multiple theories exist;

"(D) are subjected to peer review before their results are published; and

"(E) discover effective strategies for improving reading skills.

"SEC. 2353. GRANTS TO READING AND LITERACY PARTNERSHIPS.

"(a) PROGRAM AUTHORIZED.—The Secretary may make grants on a competitive basis to reading and literacy partnerships for the purpose of permitting such partnerships to make subgrants under sections 2354 and 2355.

"(b) READING AND LITERACY PARTNERSHIPS.—

"(1) COMPOSITION.—

"(A) REQUIRED PARTICIPANTS.—In order to receive a grant under this section, a State shall establish a reading and literacy partnership consisting of at least the following participants:

"(i) The Governor of the State.

"(ii) The chief State school officer.

"(iii) The chairman and the ranking member of each committee of the State legislature that is responsible for education policy.

"(iv) A representative, selected jointly by the Governor and the chief State school officer, of at least 1 local educational agency that has at least 1 school that is identified for school improvement under section 1116(c) in the geographic area served by the agency.

"(v) A representative, selected jointly by the Governor and the chief State school officer, of a community-based organization working with children to improve their reading skills, particularly a community-based organization using volunteers.

"(B) OPTIONAL PARTICIPANTS.—A reading and literacy partnership may include additional participants, who shall be selected jointly by the Governor and the chief State school officer, which may include—

"(i) State directors of appropriate Federal or State programs with a strong reading component;

"(ii) a parent of a public or private school student or a parent who educates their child or children in their home;

"(iii) a teacher who teaches reading; or

"(iv) a representative of (I) an institution of higher education operating a program of teacher preparation in the State; (II) a local educational agency; (III) an eligible research institution; (IV) a private nonprofit or for-profit eligible professional development provider providing instruction based on reliable, replicable research on reading; (V) a family literacy service provider; (VI) an adult education provider; (VII) a volunteer organization that is involved in reading programs; or (VIII) a school or a public library that offers reading or literacy programs for children or families.

"(2) AGREEMENT.—The contractual agreement that establishes a reading and literacy partnership—

"(A) shall specify—

"(i) the nature and extent of the association among the participants referred to in paragraph (1); and

"(ii) the roles and duties of each such participant; and

"(B) shall remain in effect during the entire grant period proposed in the partnership's grant application under subsection (e).

"(3) FUNCTIONS.—Each reading and literacy partnership for a State shall prepare and submit an application under subsection (e) and, if the partnership receives a grant under this section—

"(A) shall solicit applications for, and award, subgrants under sections 2354 and 2355;

"(B) shall oversee the performance of the subgrants and submit performance reports in accordance with subsection (h);

"(C) if sufficient grant funds are available under this part—

"(i) work to enhance the capacity of agencies in the State to disseminate reliable, replicable research on reading to schools, classrooms, and providers of early education and child care;

"(ii) facilitate the provision of technical assistance to subgrantees under sections 2354 and 2355 by providing the subgrantees information about technical assistance providers; and

"(iii) build on, and promote coordination among, literacy programs in the State, in order to increase their effectiveness and to avoid duplication of their efforts; and

"(D) shall ensure that each local educational agency to which the partnership makes a subgrant under section 2354 makes available, upon request and in an understandable and uniform format, to any parent of a student attending any school selected under section 2354(a)(2) in the geographic area served by the agency, information regarding the qualifications of the student's classroom teacher to provide instruction in reading.

"(4) FISCAL AGENT.—The State educational agency shall act as the fiscal agent for the reading and literacy partnership for the purposes of receipt of funds from the Secretary, disbursement of funds to subgrantees under sections 2354 and 2355, and accounting for such funds.

"(c) PREEXISTING PARTNERSHIP.—If, before the date of the enactment of the Reading Excellence Act, a State established a consortium, partnership, or any other similar body, that includes the Governor and the chief State school officer and has, as a central part of its mission, the promotion of literacy for children in their early childhood years through the 3d grade, but that does not satisfy the requirements of subsection (b)(1), the State may elect to treat that consortium, partnership, or body as the reading and literacy partnership for the State notwithstanding such subsection, and the consortium, partnership, or body shall be considered a reading and literacy partnership for purposes of the other provisions of this part.

"(d) MULTI-STATE PARTNERSHIP ARRANGEMENTS.—A reading and literacy partnership that satisfies the requirements of subsection (b) may join with other such partnerships in other States to develop a single application that satisfies the requirements of subsection (e) and identifies which State educational agency, from among the States joining, shall act as the fiscal agent for the multi-State arrangement. For purposes of the other provisions of this part, any such multi-State arrangement shall be considered to be a reading and literacy partnership.

"(e) APPLICATIONS.—A reading and literacy partnership that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and including such information as the Secretary may require. The application—

"(1) shall describe how the partnership will ensure that 95 percent of the grant funds are used to make subgrants under sections 2354 and 2355;

"(2) shall be integrated, to the maximum extent possible, with State plans and programs under this Act, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and, to the extent appropriate, the Adult Education Act (20 U.S.C. 1201 et seq.);

"(3) shall describe how the partnership will ensure that professional development funds available at the State and local levels are used effectively to improve instructional practices for reading and are based on reliable, replicable research on reading;

"(4) shall describe—

"(A) the contractual agreement that establishes the partnership, including at least the elements of the agreement referred to in subsection (b)(2);

"(B) how the partnership will assess, on a regular basis, the extent to which the activities undertaken by the partnership and the partnership's subgrantees under this part have been effective in achieving the purposes of this part;

"(C) what evaluation instruments the partnership will use to determine the success of local educational agencies to whom subgrants under sections 2354 and 2355 are made in achieving the purposes of this part;

"(D) how subgrants made by the partnership under such sections will meet the requirements of this part, including how the partnership will ensure that subgrantees will use practices based on reliable, replicable research on reading; and

"(E) how the partnership will, to the extent practicable, make grants to subgrantees in both rural and urban areas;

"(5) shall include an assurance that each local educational agency to whom the partnership makes a subgrant under section 2354—

"(A) will carry out family literacy programs based on the Even Start family literacy model authorized under part B of title I to enable parents to be their child's first and most important teacher, and will make payments for the receipt of technical assistance for the development of such programs;

"(B) will carry out programs to assist those kindergarten students who are not ready for the transition to 1st grade, particularly students experiencing difficulty with reading skills;

"(C) will use supervised individuals (including tutors), who have been appropriately trained using reliable, replicable research on reading, to provide additional support, before school, after school, on weekends, during non-instructional periods of the school day, or during the summer, for students in grades 1 through 3 who are experiencing difficulty reading; and

"(D) will carry out professional development for the classroom teacher and other appropriate teaching staff on the teaching of reading based on reliable, replicable research on reading; and

"(6) shall describe how the partnership—

"(A) will ensure that a portion of the grant funds that the partnership receives in each fiscal year will be used to make subgrants under section 2355; and

"(B) will make local educational agencies described in section 2355(a)(1) aware of the availability of such subgrants.

"(f) PEER REVIEW PANEL.—

"(1) COMPOSITION OF PEER REVIEW PANEL.—

"(A) IN GENERAL.—The National Institute for Literacy, in consultation with the National Research Council of the National Academy of Sciences, the National Institute of Child Health and Human Development, and the Secretary, shall convene a panel to evaluate applications under this section. At a minimum the panel shall include representatives of the National Institute for Literacy, the National Research Council of the National Academy of Sciences, the National Institute of Child Health and Human Development, and the Secretary.

"(B) EXPERTS.—The panel shall include experts who are competent, by virtue of their training, expertise, or experience, to evaluate applications under this section, and experts who provide professional development to teachers of reading to children and adults, based on reliable, replicable research on reading.

"(C) LIMITATION.—Not more than ⅓ of the panel may be composed of individuals who are employees of the Federal Government.

"(2) PAYMENT OF FEES AND EXPENSES OF CERTAIN MEMBERS.—The Secretary shall use funds reserved under section 2260(b)(2) to pay the expenses and fees of panel members who are not employees of the Federal Government.

"(3) DUTIES OF PANEL.—

"(A) MODEL APPLICATION FORMS.—The peer review panel shall develop a model application form for reading and literacy partnerships desiring to apply for a grant under this section. The peer review panel shall submit the model application form to the Secretary for final approval.

"(B) SELECTION OF APPLICATIONS.—

"(i) RECOMMENDATIONS OF PANEL.—

"(I) IN GENERAL.—The Secretary shall receive grant applications from reading and literacy partnerships under this section and shall provide the applications to the peer review panel for evaluation. With respect to each application, the peer review panel shall initially recommend the application for funding or for disapproval.

"(II) PRIORITY.—In recommending applications to the Secretary, the panel shall give priority to applications from States that have modified, are modifying, or provide an assurance that not later than 1 year after receiving a grant under this section the State will modify, State teacher certification in the area of reading to reflect reliable, replicable research, except that nothing in this part shall be construed to establish a national system of teacher certification.

"(III) RANKING OF APPLICATIONS.—With respect to each application recommended for funding, the panel shall assign the application a rank, relative to other recommended

applications, based on the priority described in subclause (II), the extent to which the application furthers the purposes of this part, and the overall quality of the application.

"(IV) RECOMMENDATION OF AMOUNT.—With respect to each application recommended for funding, the panel shall make a recommendation to the Secretary with respect to the amount of the grant that should be made.

"(ii) SECRETARIAL SELECTION.—

"(I) IN GENERAL.—Subject to clause (iii), the Secretary shall determine, based on the peer review panel's recommendations, which applications from reading and literacy partnerships shall receive funding and the amounts of such grants. In determining grant amounts, the Secretary shall take into account the total amount of funds available for all grants under this section and the types of activities proposed to be carried out by the partnership.

"(II) EFFECT OF RANKING BY PANEL.—In making grants under this section, the Secretary shall select applications according to the ranking of the applications by the peer review panel, except in cases where the Secretary determines, for good cause, that a variation from that order is appropriate.

"(iii) MINIMUM GRANT AMOUNTS.—Each reading and literacy partnership selected to receive a grant under this section shall receive an amount for each fiscal year that is not less than $100,000.

"(g) LIMITATION ON ADMINISTRATIVE EXPENSES.—A reading and literacy partnership that receives a grant under this section may use not more than 3 percent of the grant funds for administrative costs.

"(h) REPORTING.—

"(1) IN GENERAL.—A reading and literacy partnership that receives a grant under this section shall submit performance reports to the Secretary pursuant to a schedule to be determined by the Secretary, but not more frequently than annually. Such reports shall include—

"(A) the results of use of the evaluation instruments referred to in subsection (e)(4)(C);

"(B) the process used to select subgrantees;

"(C) a description of the subgrantees receiving funds under this part; and

"(D) with respect to subgrants under section 2354, the model or models of reading instruction, based on reliable, replicable research on reading, selected by subgrantees.

"(2) PROVISION TO PEER REVIEW PANEL.—The Secretary shall provide the reports submitted under paragraph (1) to the peer review panel convened under subsection (f). The panel shall use such reports in recommending applications for funding under this section.

"SEC. 2354. LOCAL READING IMPROVEMENT SUBGRANTS.

"(a) IN GENERAL.—

"(1) SUBGRANTS.—A reading and literacy partnership that receives a grant under section 2353 shall make subgrants, on a competitive basis, to local educational agencies that have at least 1 school that is identified for school improvement under section 1116(c) in the geographic area served by the agency.

"(2) ROLE OF LOCAL EDUCATIONAL AGENCIES.—A local educational agency that receives a subgrant under this section shall use the subgrant in a manner consistent with this section to advance reform of reading instruction in any school selected by the agency that—

"(A) is identified for school improvement under section 1116(c) at the time the agency receives the subgrant; and

"(B) has a contractual association with 1 or more community-based organizations that have established a record of effectiveness with respect to reading readiness, reading instruction for children in kindergarten through 3d grade, and early childhood literacy.

"(b) GRANT PERIOD.—A subgrant under this section shall be for a period of 3 years and may not be revoked or terminated on the ground that a school ceases, during the grant period, to be identified for school improvement under section 1116(c).

"(c) APPLICATIONS.—A local educational agency that desires to receive a subgrant under this section shall submit an application to the reading and literacy partnership at such time, in such manner, and including such information as the partnership may require. The application—

"(1) shall describe how the local educational agency will work with schools selected by the agency under subsection (a)(2) to select 1 or more models of reading instruction, developed using reliable, replicable research on reading, as a model for implementing and improving reading instruction by all teachers and for all children in each of the schools selected by the agency under such subsection and, where appropriate, their parents;

"(2) shall select 1 or more models described in paragraph (1), for the purpose described in such paragraph, and shall describe each such selected model;

"(3) shall demonstrate that a person responsible for the development of each such model, or a person with experience or expertise about such model and its implementation, has agreed to work with the applicant in connection with such implementation and improvement efforts;

"(4) shall describe—

"(A) how the applicant will ensure that funds available under this part, and funds available for reading for grades kindergarten through grade 6 from other appropriate sources, are effectively coordinated and, where appropriate, integrated, with funds under this Act in order to improve existing activities in the areas of reading instruction, professional development, program improvement, parental involvement, technical assistance, and other activities that can help meet the purposes of this part; and

"(B) the amount of funds available for reading for grades kindergarten through grade 6 from appropriate sources other than this part, including title I (except that such description shall not be required to include funds made available under part B of title I unless the applicant has established a contractual association in accordance with subsection (d)(2) with an eligible entity under such part B), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and any other law providing Federal financial assistance for professional development for teachers of such grades who teach reading, which will be used to help achieve the purposes of this part;

"(5) shall describe the amount and nature of funds from any other public or private sources, including funds received under this Act and the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), that will be combined with funds received under the subgrant;

"(6) shall include an assurance that the applicant—

"(A) will carry out family literacy programs based on the Even Start family literacy model authorized under part B of title I to enable parents to be their child's first and most important teacher, will make payments for the receipt of technical assistance for the development of such programs;

"(B) will carry out programs to assist those kindergarten students who are not ready for the transition to 1st grade, particularly students experiencing difficulty with reading skills;

"(C) will use supervised individuals (including tutors), who have been appropriately trained using reliable, replicable research on reading, to provide additional support, before school, after school, on weekends, during non-instructional periods of the school day, or during the summer, for students in grades 1 through 3 who are experiencing difficulty reading; and

"(D) will carry out professional development for the classroom teacher and other teaching staff on the teaching of reading based on reliable, replicable research on reading;

"(7) shall describe how the local educational agency provides instruction in reading to children who have not been determined to be a child with a disability (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)), pursuant to section 614(b)(5) of such Act (20 U.S.C. 1414(a)(5)), because of a lack of instruction in reading; and

"(8) shall indicate the amount of the subgrant funds (if any) that the applicant will use to carry out the duties described in section 2355(b)(2).

"(d) PRIORITY.—In approving applications under this section, a reading and literacy partnership shall give priority to an application submitted by an applicant who demonstrates that the applicant has established—

"(1) a contractual association with 1 or more Head Start programs under the Head Start Act (42 U.S.C. 9801 et seq.) under which—

"(A) the Head Start program agrees to select the same model or models of reading instruction, as a model for implementing and improving the reading readiness of children participating in the program, as was selected by the applicant; and

"(B) the applicant agrees—

"(i) to share with the Head Start program an appropriate amount of the applicant's information resources with respect to the model, such as curricula materials; and

"(ii) to train personnel from the Head Start program;

"(2) a contractual association with 1 or more State- or federally-funded preschool programs, or family literacy programs, under which—

"(A) the program agrees to select the same model or models of reading instruction, as a model for implementing and improving reading instruction in the program's activities, as was selected by the applicant; and

"(B) the applicant agrees to train personnel from the program who work with children and parents in schools selected under subsection (a)(2); or

"(3) a contractual association with 1 or more public libraries providing reading or literacy services to preschool children, or preschool children and their families, under which—

"(A) the library agrees to select the same model or models of reading instruction, as a model for implementing and improving reading instruction in the library's reading or literacy programs, as was selected by the applicant; and

"(B) the applicant agrees to train personnel, including volunteers, from such programs who work with preschool children, or preschool children and their families, in schools selected under subsection (a)(2).

"(e) USE OF FUNDS.—

"(1) IN GENERAL.—Subject to paragraph (2), an applicant who receives a subgrant under this section may use the subgrant funds to carry out activities that are authorized by this part and described in the subgrant application, including the following:

"(A) Making reasonable payments for technical and other assistance to a person responsible for the development of a model of reading instruction, or a person with experience or expertise about such model and its implementation, who has agreed to work with the recipient in connection with the implementation of the model.

"(B) Carrying out a contractual agreement described in subsection (d).

"(C) Professional development (including training of volunteers), purchase of curricular and other supporting materials, and technical assistance.

"(D) Providing, on a voluntary basis, training to parents of children enrolled in a school selected under subsection (a)(2) on how to help their children with school work, particularly in the development of reading skills. Such training may be provided directly by the subgrant recipient, or through a grant or contract with another person. Such training shall be consistent with reading reforms taking place in the school setting.

"(E) Carrying out family literacy programs based on the Even Start family literacy model authorized under part B of title I to enable parents to be their child's first and most important teacher, and making payments for the receipt of technical assistance for the development of such programs.

"(F) Providing instruction for parents of children enrolled in a school selected under subsection (a)(2), and others who volunteer to be reading tutors for such children, in the instructional practices based on reliable, replicable research on reading used by the applicant.

"(G) Programs to assist those kindergarten students enrolled in a school selected under subsection (a)(2) who are not ready for the transition to 1st grade, particularly students experiencing difficulty with reading skills.

"(H) Providing, for students who are enrolled in grades 1 through 3 in a school selected under subsection (a)(2) and are experiencing difficulty reading, additional support before school, after school, on weekends, during non-instructional periods of the school day, or during the summer, using supervised individuals (including tutors) who have been appropriately trained using reliable, replicable research on reading.

"(I) Carrying out the duties described in section 2355(b)(2) for children enrolled in a school selected under subsection (a)(2).

"(J) Providing reading assistance to children who have not been determined to be a child with a disability (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)), pursuant to section 614(b)(5) of such Act (20 U.S.C. 1414(b)(5)), because of a lack of instruction in reading.

"(2) LIMITATION ON ADMINISTRATIVE EXPENSES.—A recipient of a subgrant under this section may use not more than 3 percent of the subgrant funds for administrative costs.

"(f) TRAINING NONRECIPIENTS.—A recipient of a subgrant under this section may train, on a fee-for-service basis, personnel who are from schools, or local educational agencies, that are not receiving such a subgrant in the instructional practices based on reliable, replicable research on reading used by the recipient. Such a non-recipient school may use funds received under title I, and other appropriate Federal funds used for reading instruction, to pay for such training, to the extent consistent with the law under which such funds were received.

"SEC. 2355. TUTORIAL ASSISTANCE SUBGRANTS.

"(a) IN GENERAL.—

"(1) SUBGRANTS.—A reading and literacy partnership that receives a grant under section 2353 shall make subgrants on a competitive basis to—

"(A) local educational agencies that have at least 1 school in the geographic area served by the agency that—

"(i) is located in an area designated as an empowerment zone under part I of subchapter U of chapter 1 of the Internal Revenue Code of 1986; or

"(ii) is located in an area designated as an enterprise community under part I of subchapter U of chapter 1 of the Internal Revenue Code of 1986; or

"(B) in the case of local educational agencies that do not have any such empowerment zone or enterprise community in the State in which the agency is located, local educational agencies that have at least 1 school that is identified for school improvement under section 1116(c) in the geographic area served by the agency.

"(2) APPLICATIONS.—A local educational agency that desires to receive a subgrant under this section shall submit an application to the reading and literacy partnership at such time, in such manner, and including such information as the partnership may require. The application shall include an assurance that the agency will use the subgrant funds to carry out the duties described in subsection (b) for children enrolled in 1 or more schools selected by the agency and described in paragraph (1).

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—A local educational agency that receives a subgrant under this section shall carry out, using the funds provided under the subgrant, each of the duties described in paragraph (2).

"(2) DUTIES.—The duties described in this paragraph are the provision of tutorial assistance in reading to children who have difficulty reading, using instructional practices based on the principles of reliable, replicable research, through the following:

"(A) The promulgation of a set of objective criteria, pertaining to the ability of a tutorial assistance provider successfully to provide tutorial assistance in reading, that will be used to determine in a uniform manner, at the beginning of each school year, the eligibility of tutorial assistance providers, subject to the succeeding subparagraphs of this paragraph, to be included on the list described in subparagraph (B) (and thereby be eligible to enter into a contract pursuant to subparagraph (F)).

"(B) The promulgation, maintenance, and approval of a list of tutorial assistance providers eligible to enter into a contract pursuant to subparagraph (F) who—

"(i) have established a record of effectiveness with respect to reading readiness, reading instruction for children in kindergarten through 3d grade, and early childhood literacy;

"(ii) are located in a geographic area convenient to the school or schools attended by the children who will be receiving tutorial assistance from the providers; and

"(iii) are capable of providing tutoring in reading to children who have difficulty reading, using instructional practices based on the principles of reliable, replicable research and consistent with the instructional methods used by the school the child attends.

"(C) The development of procedures (i) for the receipt of applications for tutorial assistance, from parents who are seeking such assistance for their child or children, that select a tutorial assistance provider from the list described in subparagraph (B) with whom the child or children will enroll, for tutoring in reading; and (ii) for considering children for tutorial assistance who are identified under subparagraph (D) and for whom no application has been submitted, provided that such procedures are in accordance with this paragraph and give such parents the right to select a tutorial assistance provider from the list referred to in subparagraph (B), and shall permit a local educational agency to recommend a tutorial assistance provider from the list under subparagraph (B) in a case where a parent asks for assistance in the making of such selection.

"(D) The development of a selection process for providing tutorial assistance in accordance with this paragraph that limits the provision of assistance to children identified, by the school the child attends, as having difficulty reading, including difficulty mastering essential phonic, decoding, or vocabulary skills. In the case of a child included in the selection process for whom no application has been submitted by a parent of the child, the child's eligibility for receipt of tutorial assistance shall be determined under the same procedures, timeframe, and criteria for consideration as is used to determine the eligibility of a child whose parent has submitted such an application. Such local educational agency shall apply the provisions of subparagraphs (F) and (G) to a tutorial assistance provider selected for a child whose parent has not submitted an application pursuant to subparagraph (C)(i) in the same manner as the provisions are applied to a provider selected in an application submitted pursuant to subparagraph (C)(i).

"(E) The development of procedures for selecting children to receive tutorial assistance, to be used in cases where insufficient funds are available to provide assistance with respect to all children identified by a school under subparagraph (D) that—

"(i) gives priority to children who are determined, through State or local reading assessments, to be most in need of tutorial assistance; and

"(ii) gives priority, in cases where children are determined, through State or local reading assessments, to be equally in need of tutorial assistance, based on a random selection principle.

"(F) The development of a methodology by which payments are made directly to tutorial assistance providers who are identified and selected pursuant to subparagraphs (C), (D), and (E). Such methodology shall include the making of a contract, consistent with State and local law, between the tutorial assistance provider and the local educational agency carrying out this paragraph. Such contract—

"(i) shall contain specific goals and timetables with respect to the performance of the tutorial assistance provider;

"(ii) shall require the tutorial assistance provider to report to the parent and the local educational agency on the provider's performance in meeting such goals and timetables; and

"(iii) shall contain provisions with respect to the making of payments to the tutorial assistance provider by the local educational agency.

"(G) The development of procedures under which the local educational agency carrying out this paragraph—

"(i) will ensure oversight of the quality and effectiveness of the tutorial assistance provided by each tutorial assistance provider that is selected for funding;

"(ii) will remove from the list under subparagraph (B) ineffective and unsuccessful providers (as determined by the local educational agency based upon the performance of the provider with respect to the goals and timetables contained in the contract between the agency and the provider under subparagraph (F));

"(iii) will provide to each parent of a child identified under subparagraph (D) who requests such information for the purpose of selecting a tutorial assistance provider for the child, in a comprehensible format, information with respect to the quality and effectiveness of the tutorial assistance referred to in clause (i); and

"(iv) will ensure that each school identifying a child under subparagraph (D) will provide upon request, to a parent of the child, assistance in selecting, from among the tutorial assistance providers who are included on the list described in subparagraph (B), the provider who is best able to meet the needs of the child.

"(c) DEFINITION.—For the purpose of this section the term 'parent' includes a legal guardian.

"SEC. 2356. PROGRAM EVALUATION.

"(a) IN GENERAL.—From funds reserved under section 2260(b)(1), the Secretary shall conduct a national assessment of the programs under this part. In developing the criteria for the assessment, the Secretary shall receive recommendations from the peer review panel convened under section 2353(f).

"(b) SUBMISSION TO PEER REVIEW PANEL.—The Secretary shall submit the findings from the assessment under subsection (a) to the peer review panel convened under section 2353(f).

"SEC. 2357. INFORMATION DISSEMINATION.

"(a) IN GENERAL.—From funds reserved under section 2260(b)(2), the National Institute for Literacy shall disseminate information on reliable, replicable research on reading and information on subgrantee projects under section 2354 or 2355 that have proven effective. At a minimum, the institute shall disseminate such information to all recipients of Federal financial assistance under titles I and VII, the Head Start Act (42 U.S.C. 9801 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and the Adult Education Act (20 U.S.C. 1201 et seq.).

"(b) COORDINATION.—In carrying out this section, the National Institute for Literacy—

"(1) shall use, to the extent practicable, information networks developed and maintained through other public and private persons, including the Secretary, the National Center for Family Literacy, and the Readline Program;

"(2) shall work in conjunction with any panel convened by the National Institute of Child Health and Human Development and the Secretary, and any panel convened by the Office of Educational Research and Improvement to assess the current status of research-based knowledge on reading development, including the effectiveness of various approaches to teaching children to read, with respect to determining the criteria by which the National Institute for Literacy judges reliable, replicable research and the design of strategies to disseminate such information; and

"(3) shall assist any reading and literacy partnership selected to receive a grant under section 2353, and that requests such assistance—

"(A) in determining whether applications for subgrants submitted to the partnership meet the requirements of this part relating to reliable, replicable research on reading; and

"(B) in the development of subgrant application forms.

"SEC. 2358. STATE EVALUATIONS.

"(a) IN GENERAL.—Each reading and literacy partnership that receives a grant under this part shall reserve not more than 2 percent of such grant funds for the purpose of evaluating the success of the partnership's subgrantees in meeting the purposes of this part. At a minimum, the evaluation shall measure the extent to which students who are the intended beneficiaries of the subgrants made by the partnership have improved their reading.

"(b) CONTRACT.—A reading and literacy partnership shall carry out the evaluation under this section by entering into a contract with an eligible research institution under which the institution will perform the evaluation.

"(c) SUBMISSION.—A reading and literacy partnership shall submit the findings from the evaluation under this section to the Secretary and the peer review panel convened under section 2353(f). The Secretary and the peer review panel shall submit a summary of the findings from the evaluations under this subsection to the appropriate committees of the Congress, including the Education and the Workforce Committee of the House of Representatives.

"SEC. 2359. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

"Each reading and literacy partnership that receives funds under this part shall provide for, or ensure that subgrantees provide for, the participation of children in private schools in the activities and services assisted under this part in the same manner as the children participate in activities and services pursuant to sections 2353, 2354, 2355, and 2356.

"SEC. 2260. AUTHORIZATION OF APPROPRIATIONS; RESERVATIONS FROM APPROPRIATIONS; APPLICABILITY; SUNSET.

"(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this part $210,000,000 for fiscal years 1999, 2000, and 2001.

"(b) RESERVATIONS.—From the amount appropriated under subsection (a) for each fiscal year, the Secretary—

"(1) shall reserve 1.5 percent to carry out section 2356(a);

"(2) shall reserve $5,075,000 to carry out sections 2353(f)(2) and 2357, of which $5,000,000 shall be reserved for section 2357; and

"(3) shall reserve $10,000,000 to carry out section 1202(c).

"(c) APPLICABILITY.—Part E shall not apply to this part.

"(d) SUNSET.—Notwithstanding section 422(a) of the General Education Provisions Act (20 U.S.C. 1226a(a)), this part is repealed, effective September 30, 2001, and is not subject to extension under such section.".

Subtitle B—Amendments to Even Start Family Literacy Programs

SEC. __21. RESERVATION FOR GRANTS.

Section 1202(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(c)) is amended to read as follows:

"(c) RESERVATION FOR GRANTS.—

"(1) GRANTS AUTHORIZED.—From funds reserved under section 2260(b)(3), the Secretary shall award grants, on a competitive basis, to States to enable such States to plan and implement, statewide family literacy initiatives to coordinate and integrate existing Federal, State, and local literacy resources consistent with the purposes of this part. Such coordination and integration shall include coordination and integration of funds available under the Adult Education Act (20 U.S.C. 1201 et seq.), Head Start (42 U.S.C. 9801 et seq.), this part, part A of this title, and part A of title IV of the Social Security Act.

"(2) CONSORTIA.—

"(A) ESTABLISHMENT.—To receive a grant under this subsection, a State shall establish a consortium of State-level programs under the following laws:

"(i) This title.

"(ii) The Head Start Act.

"(iii) The Adult Education Act.

"(iv) All other State-funded preschool programs and programs providing literacy services to adults.

"(B) PLAN.—To receive a grant under this subsection, the consortium established by a State shall create a plan to use a portion of the State's resources, derived from the programs referred to in subparagraph (A), to strengthen and expand family literacy services in such State.

"(C) COORDINATION WITH TITLE II.—The consortium shall coordinate its activities with the activities of the reading and literacy partnership for the State established under section 2353, if the State receives a grant under such section.

"(3) READING INSTRUCTION.—Statewide family literacy initiatives implemented under this subsection shall base reading instruction on reliable, replicable research on reading (as such terms are defined in section 2352).

"(4) TECHNICAL ASSISTANCE.—The Secretary shall provide, directly or through a grant or contract with an organization with experience in the development and operation of successful family literacy services, technical assistance to States receiving a grant under this subsection.

"(5) MATCHING REQUIREMENT.—The Secretary shall not make a grant to a State under this subsection unless the State agrees that, with respect to the costs to be incurred by the eligible consortium in carrying out the activities for which the grant was awarded, the State will make available non-Federal contributions in an amount equal to not less than the Federal funds provided under the grant.".

SEC. __22. DEFINITIONS.

Section 1202(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(e)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) the term 'family literacy services' means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family (such as eliminating or reducing welfare dependency) and that integrate all of the following activities:

"(A) Interactive literacy activities between parents and their children.

"(B) Equipping parents to partner with their children in learning.

"(C) Parent literacy training, including training that contributes to economic self-sufficiency.

"(D) Appropriate instruction for children of parents receiving parent literacy services.".

SEC. 23. EVALUATION.

Section 1209 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6369) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) to provide States and eligible entities receiving a subgrant under this part, directly or through a grant or contract with an organization with experience in the development and operation of successful family literacy services, technical assistance to ensure local evaluations undertaken under section 1205(10) provide accurate information on the effectiveness of programs assisted under this part.".

SEC. 24. INDICATORS OF PROGRAM QUALITY.

(a) IN GENERAL.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

(1) by redesignating section 1210 as section 1212; and

(2) by inserting after section 1209 the following:

"SEC. 1210. INDICATORS OF PROGRAM QUALITY.

"Each State receiving funds under this part shall develop, based on the best available research and evaluation data, indicators of program quality for programs assisted under this part. Such indicators shall be used to monitor, evaluate, and improve such programs within the State. Such indicators shall include the following:

"(1) With respect to eligible participants in a program who are adults—

"(A) achievement in the areas of reading, writing, English language acquisition, problem solving, and numeracy;

"(B) receipt of a secondary school diploma or its recognized equivalent;

"(C) entry into a postsecondary school, a job retraining program, or employment or career advancement, including the military; and

"(D) such other indicators as the State may develop.

"(2) With respect to eligible participants in a program who are children—

"(A) improvement in ability to read on grade level or reading readiness;

"(B) school attendance;

"(C) grade retention and promotion; and

"(D) such other indicators as the State may develop.".

(b) STATE LEVEL ACTIVITIES.—Section 1203(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6363(a)) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) carrying out section 1210.".

(c) AWARD OF SUBGRANTS.—Paragraphs (3) and (4) of section 1208(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368) are amended to read as follows:

"(3) CONTINUING ELIGIBILITY.—In awarding subgrant funds to continue a program under this part for the second, third, or fourth year, the State educational agency shall evaluate the program based on the indicators of program quality developed by the State under section 1210. Such evaluation shall take place after the conclusion of the start-up period, if any.

"(4) INSUFFICIENT PROGRESS.—The State educational agency may refuse to award subgrant funds if such agency finds that the eligible entity has not sufficiently improved the performance of the program, as evaluated based on the indicators of program quality developed by the State under section 1210, after—

"(A) providing technical assistance to the eligible entity; and

"(B) affording the eligible entity notice and an opportunity for a hearing.".

SEC. 25. RESEARCH.

The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as amended by section 524 of this Act, is further amended by inserting after section 1210 the following:

"SEC. 1211. RESEARCH.

"(a) IN GENERAL.—The Secretary shall carry out, through grant or contract, research into the components of successful family literacy services. The purpose of the research shall be—

"(1) to improve the quality of existing programs assisted under this part or other family literacy programs carried out under this Act or the Adult Education Act (20 U.S.C. 1201 et seq.); and

"(2) to develop models for new programs to be carried out under this Act or the Adult Education Act.

"(b) DISSEMINATION.—The National Institute for Literacy shall disseminate, pursuant to section 2357, the results of the research described in subsection (a) to States and recipients of subgrants under this part.".

NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on Thursday, April 23, 1998 at 9:00 a.m. in SR-328A. The purpose of this meeting will be to examine fraud and abuse in the federal food stamp program.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE 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 Thursday, April 23, 1998 at 9:00 a.m. in SR-328A. The purpose of this meeting will be to examine fraud and abuse in the federal food stamp program.

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

COMMITTEE ON FINANCE

Mr. COVERDELL. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, April 23, 1998 beginning at 10:00 a.m. in room 215 Dirksen.

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 Senate Judiciary Subcommittee on Technology, Terrorism and Government Information, Committee on the Judiciary and the Senate Select Committee on Intelligence be authorized to meet for a joint hearing during the session of the Senate on Thursday, April 23, 1998 at 2:30 p.m. in room 226 of the Senate Dirksen Office Building to hold a joint hearing on: "Chemical and Biological Weapons Threats to America: Are We Prepared?"

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

COMMITTEE ON THE JUDICIARY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an Executive Business Meeting during the session of the Senate on Thursday, April 23, 1998, at 10:00 a.m., in room 226 of the Senate Dirksen Office Building.

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, Subcommittee on Public Health and Safety, and House Committee on Commerce, Subcommittee on Health and Environment be authorized to meet for a hearing on Increasing Bone Marrow Donation and Transplantation during the session of the Senate on Thursday, April 23, 1998, at 2:30 p.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, April 23, 1998, at 2:00 p.m. to hold a joint open hearing with the Senate Judiciary Subcommittee on Technology, Terrorism, and Government Information.

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

SUBCOMMITTEE ON AVIATION

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Aviation Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, April 23, 1998, at 2:00 p.m. on Aviation Competition: DOT Competition Guidelines.

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

SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY, AND NUCLEAR SAFETY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety be granted permission to conduct a hearing on the proposed Clean Air Act regional haze regulations Thursday, April 23, 9:00 a.m., Hearing Room (SD-406).

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

SUBCOMMITTEE ON INVESTIGATIONS

Mr. COVERDELL. Mr. President, I ask unanimous consent on behalf of the

Permanent Subcommittee on Investigations of the Governmental Affairs Committee to meet on Thursday, April 23, 1998, at 9:30 a.m. for a hearing on the topic of "The Exploding Problem of Telephone Slamming in America."

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, April 23, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:30 p.m. The purpose of this hearing is to receive testimony on S. 1253, the Public Land Management Act of 1997.

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

ADDITIONAL STATEMENTS

TRIBUTE TO THE JCRC HOLOCAUST MEMORIAL CEREMONY

• Mr. SANTORUM. Mr. President, the Jewish Community Relations Council (JCRC) hosted the annual Holocaust Memorial Ceremony starting on April 19 in remembrance of the six million Jews who died in the Holocaust. The theme for this year's ceremony is "A People Survives: From the Gates of Hell to the Gates of Jerusalem." This memorial service draws over 3,000 people every year to honor the stoicism and faith of all people who were unjustly massacred by the Nazis. The Holocaust Memorial Ceremony is one of the most profound events in the Jewish Community.

The JCRC was established in 1938 and works to promote issues of Jewish communal concern and is driven by Jewish values of humanitarianism, respect for others, and the sanctity of human life. To this day the JCRC has worked to create a society in which there is equal opportunity for all, freedom of thought, opinion, religion and constructive, amicable relationships between people of all races and creeds. They pledge to do all this while maintaining the integrity and character of the Jewish faith.

In 1980 Congress established the United States Holocaust Memorial Council and mandated it to lead the nation in civic commemorations of the victims of the Holocaust (called Days of Remembrance), to sponsor the national annual civic commemoration and to encourage appropriate Remembrance observances throughout the country. This year Yom Hashoah was April 23. The Days of Remembrance of the victims of the Holocaust are being observed from Sunday, April 19 through Sunday, April 26.

Before there was a United States Holocaust Memorial Museum, Days of Remembrance was established and carried out, not only in the Rotunda of the United States Capitol, but all across the nation. This annual, national commemoration program is the United States Holocaust Memorial Council's longest-running program and is essential to the Council's Congressional mandate.

We have now reached the time at which many of the Holocaust survivors are passing on. It is imperative that all of humanity maintain respect for and never forget the tremendous suffering of the Jewish community. It is true that this event is a wholly Jewish experience, and yet, the entire world still reels from its impact. It is the responsibility of the people of the United States and the world to ensure that the memory of the Holocaust lives on.

Mr. President, I ask my colleagues to give their blessings to the Holocaust Memorial Ceremony and to praise the efforts of the JCRC in maintaining awareness of the Holocaust.•

AIR SERVICE RESTORATION ACT

• Mr. DORGAN. Mr. President, yesterday I and some of my colleagues on the Senate Committee on Commerce, Science, and Transportation introduced the Air Service Restoration Act designed to help revive air service to those parts of the country that have suffered under deregulation. The revitalization of air service for small communities is of absolute importance to the economic and social well-being for these communities. While this legislation is no panacea, it will hopefully provide some tools to help small communities address the air service deficit that has hit them since deregulation.

Some rural states, such as North Dakota, have not enjoyed the benefits of competition and deregulation that other regions of the country have experienced. In fact, the federal policy of deregulation has led to less service, higher fares, and less competition for my state and other rural areas. Unfortunately, the air service problems facing rural America have gone ignored for too long and we now have an air service crisis, in my judgment. This crisis needs immediate attention and the Air Service Restoration Act is a modest attempt to address this, the chronic air service deficit facing many small communities.

This legislation is based on three principles.

First, it acknowledges that since deregulation some communities have indeed suffered and there is a need for a federal role to address this small community air service deficit. It seems to me that we need to move beyond the broader debate over whether or not deregulation has been a good or a bad thing. It has been good for some and bad for others—creating an unacceptable circumstance of air service "have" and "have nots." This legislation does not seek broad-sweeping policy changes that will dramatically alter federal aviation policy. Rather, the Air Service Restoration Act attempts to target some modest resources and policy objectives to address the problem areas, i.e., the "have nots." This legislation will not threaten deregulation. Rather, it is an attempt to save it by addressing the casualties of a policy that has left some parts of the country behind. It is time that we develop "air service development zones" and allow all regions of the nation to participate in a national air transportation system. This legislation does that by identifying the problem areas and creating opportunities to attract new air service.

The second principle of this legislation is based on the notion that the initiative and locus of solving air service problems for small communities must begin at the local level. There is no federal "silver bullet" and those communities that seek to improve or restore air service must roll up their sleeves and develop sustainable public-private partnerships that will make air service economically sustainable. This legislation is a market-based solution to improving air service for small communities. The only way small communities are going to succeed in attracting new air service is that local officials and business leaders will have to get together and identify ways to make it economically viable for carriers to add service.

Finally, this legislation is based on the notion that there is clearly a need for a federal role. The U.S. Department of Transportation needs to play an active role by providing a means for small communities to access the resources and in making the regulatory changes necessary to allow new service to flourish. Under this legislation, a new office would be created within the U.S. Department of Transportation whose sole function would be to work with local communities and provide assistance to help them achieve their goals of improving air service by providing financial assistance to local communities and addressing regulatory hurdles that inhibit air service to small communities.

Hopefully, this legislation will help reverse the air service deficit in this country. Since 1978, more communities have lost service than the number of communities that have been added to the air service map of the United States. Over 30 small communities have lost all air service since 1978 and many more have had jet service replaced with turboprop commuter service.

Service decline is not the only disturbing trend plaguing small community air service. Consolidation is having its toll as well. As the airline industry continues its steady trend of consolidation, the major network carriers are pulling out of rural areas. Out of a total of 320 small communities that had scheduled air service in 1978, 213 of those were served by a major carrier. In 1994, only 33 of those small communities had service from major carriers. Prior to deregulation, North Dakota was served by 6 major carriers and every major market in North Dakota had 3 or 4 major carriers in each market, each providing jet service. Today, North Dakota has only 1 major carrier that provides jet service.

The number of small communities receiving multiple-carrier service decreased from 136 in 1978 to 122 in 1995. Also, the number of small communities receiving service to only one major hub increased from 79 in 1978 to 134 in 1994.

In 1938, when the Federal Government began to regulate air transportation services, there were 16 carriers who accounted for all the total traffic in the U.S. domestic market. By 1978 (the year Congress passed deregulation legislation) the same 16 carriers (reduced to 11 through mergers) still accounted for 94% of the total traffic.

Today, those same 11 carriers (now reduced to 6 through mergers and bankruptcies) account for 80% of the total traffic.

One expert estimated in 1992 that since deregulation, over 120 new airlines appeared. However, more than 200 have gone bankrupt or been acquired in mergers and today, only 74 remain—most small and struggling.

Between 1979 and 1988, there were 51 airline mergers and acquisitions—20 of those were approved by the Department of Transportation after 1985, when it assumed all jurisdiction over merger and acquisition requests. In fact, DOT approved every airline merger submitted to it after it assumed jurisdiction over mergers from the Civil Aeronautics Board in 1984. Fifteen independent airlines operating at the beginning of 1986 had been merged into six mega carriers by the end of 1987. And, these six carriers increased their market share from 71.3% in 1978 to 80.5% in 1990.

These mega carriers have created competition free zones, securing dominate market shares at regional hubs. Since deregulation, all major airlines have created hub-and-spoke systems where they funnel arrivals and departures through hub airports where they dominate traffic. Today, all but 3 hubs are dominated by a single airline where the carrier has between 60 and 90 percent of all the arrivals, departures, and passengers at the hub.

In a report by the General Accounting Office entitled "Airline Deregulation: Barriers to Entry Continue to Limit Competition in Several Key Domestic Markets," [GAO/RCED-97-4], operating limitations and marketing practices of large, dominate carriers restrict entry and competition to an extent not anticipated by Congress when it deregulated the airline industry. The GAO identified a number of entry barriers and anti-competitive practices which are stifling competition and contributing to higher fares. The GAO issued a similar report in 1990 and the 1996 report said that not only has the situation not improved for new entrants, but things have gotten worse.

The fact is that deregulation has lead to greater concentration and stifling competition. The legislative history of the Civil Aeronautics Act of 1938 shows that Congress was as deeply concerned about destructive competition as it was with the monopolization of air transportation services. Thus, the CAA sought to ensure that a competitive economic environment existed. As we can see, deregulation is realizing the fears anticipated by the Congress in 1938. Competition has not become the general rule. Rather, competition is the exception in an unregulated market controlled largely by regional monopolies.

It has been demonstrated that hub concentration has translated into higher fares and rural communities that are dependent upon concentrated hubs have seen higher fares. Studies from DOT and the GAO have demonstrated that in the 15 out of 18 hubs in which a single carrier controls more than 50% of the traffic, passengers are paying more than the industry norm. The GAO studied 1988 fares at 15 concentrated airports and compared those with fares at 38 competitive hub airports. The GAO found that fares at the concentrated hubs were 27% higher.

The difference between regulation and deregulation is not a change from monopoly control to free market competition. Today, nearly two-thirds of our nation's city-pairs are unregulated monopolies where a monopoly carrier can charge whatever they wish in 2 out of 3 city-pairs in the domestic market.

A January 1991 GAO Report on Fares and Concentration at Small-City Airports found that passengers flying from small-city airports on average paid 34 percent more when they flew to a major airport dominated by one or two airlines than when they flew to a major airport that was not concentrated. The report also found that when both the small airport and the major hub were concentrated, fares were 42 percent higher than if there was competition at both ends.

A July 1993 GAO Report on Airline Competition concluded that airline passengers generally pay higher fares at 14 concentrated airports than at airports with more competition. The report found that fares at concentrated airports were about 22 percent higher than fares at 35 less concentrated airports. The same report found that the number of destinations served directly by only one airline rose 56 percent to 64 percent from 1985 to 1992, while the number of destinations served by 3 or more airlines fell from 19% to 11% during that same period. This report confirmed similar conclusions reached in previous GAO studies conducted in 1989 and 1990.

The fact is that deregulation, while paving the road to concentration and consolidation, has allowed regional monopolies to control prices in noncompetitive markets. While the entrance of low cost carriers has introduced competition in dense markets, the main difference between today and pre-deregulation is that the monopolies are unregulated.

Deregulation has been both a tremendous success in some aspects and a colossal failure in some circumstances. It's time we started addressing the problems rather than just praising the successes. For hundreds of small communities, it has meant less service, higher fares, and fewer options.

Air transportation in North Dakota is just as important as air service in New York and Denver. It is not in our national interest to allow vast regions of our country to become geographically isolated. That would be not only tragic for our rural communities, but bad for the Nation.

I hope my colleagues will support this legislation and that the Senate Commerce Committee expeditiously acts on it this year.•

CELEBRATING THE 125TH ANNIVERSARY OF COORS BREWING COMPANY

• Mr. ALLARD. Mr. President, I rise today to pay tribute to a great American company, one that will be celebrating its 125th Anniversary next month. The success of Coors Brewing Company is a great American story. When Adolph Coors arrived in this country in 1868, he did not speak English, but he did know how to brew a great beer.

From 1873 until today, Coors has made its reputation on the lasting values of its founder. The American values tradition, commitment, quality, and innovation have long been a part of this history. Holding steadfast to these values has helped Coors grow from a tiny local brewery in Golden, Colorado into a world-class competitor producing more than 20 million barrels of beer each year. Today, Coors' familiar products are sold not only across the United States, but in 45 foreign countries as well.

Through the years, Coors has been at the forefront of responsible community involvement, and today it is recognized as a leader in corporate citizenship. That is why Business Ethics magazine

recently placed Coors in the top ten of its "The 100 Best Corporate Citizens." Coors also has been cited numerous times for its outstanding record in attracting, hiring, and promoting minority Americans. It is what you would expect, given Coors' record of investing hundreds of millions of dollars in economic development and other programs designed to strengthen Hispanic and African-American communities.

When you do business in Colorado, respect for the environment is, of course, a must. Coors is a leader in this area as well. Coors launched the aluminum recycling revolution back in 1959 when it began offering a penny for every returned can. Since 1990, the Coors Pure Water 2000 program has provided more than $2.5 million to support more than 700 environmental programs across the nation.

One of its most noteworthy accomplishments has been in developing and promoting effective programs to discourage abuse of its products. Coors has a record of encouraging responsible consumption of its products by adults—and only adults. Over the years, millions of dollars have been devoted to community-based education and prevention programs. Coors' "21 means 21" message has been one of the elements responsible for the steady decline in underage drinking and drunk driving that we in the United States have been fortunate to see in the recent years.

Coors has set the standard for responsible advertising, and has led the industry with policies to ensure that its ads encourage moderation, and are directed only to those over the age of 21.

We all know of the controversies that can befall consumer products of all kinds during the highly politicized times in which we live today. But the record amassed by Coors over the past 125 years is reassuring. It is good to know there are still people and companies dedicated to doing the right thing.

Today, I ask my colleagues to join me in a toast to the thousands of Coors employees in Colorado, Tennessee, Virginia, and at Coors distributorships in every state of the nation: Congratulations on a job well done!•

HONORING BRIGADIER GENERAL WALLER ON HIS RETIREMENT

• Mr. REED. Mr. President, I rise to honor Brigadier General Joseph N. Waller on the occasion of his retirement from the Rhode Island Air National Guard.

For the past thirty-one years, General Waller has dedicated himself to the citizens of our country and the Ocean state. He was first assigned to the 143rd Special Operations Squadron in July 1967 as a troop carrier pilot. The next year he was assigned as a tactical airlift pilot, a duty he performed for the next twenty-three years. During this time, he also served as a flight leader and instructor pilot. General Waller is a command pilot who has logged 4,500 flying hours.

General Waller is noted not only for his piloting skills, but also for his leadership. In 1981, he was selected as commander of the 143rd Tactical Airlift Squadron. In December 1987, he was reassigned to Headquarters, Rhode Island National Guard and named Deputy Chief of Staff. Three years later he became Chief of Staff. The very next year he was elevated to the position of Assistant Adjutant General, the position he holds today.

General Waller chairs the Eastern Region of the Air National Guard Long Range Planning Process and serves as the Air National Guard Assistant of Strategic Planning to the US Air Force Long Range Planning Office. He is well suited to these positions because during his thirty years in the Rhode Island National Guard, General Waller has witnessed and provided leadership through immense change. When General Waller first joined the Guard in the 1960s, the United States was immersed in turmoil both at home and abroad. The goals and role of the military in the states and overseas were confused and conflicted. During the next decade, the United States moved to an all volunteer force, fundamentally changing the nature of the Guard. Then in the 1980s, military goals and perspectives shifted again during an enormous buildup which peaked in 1985 with a record budget of $300 billion.

Now, once again, the Guard is adjusting to new era of reduced force structure, budget constraints, and base closures. Members of the Guard no longer train one weekend a month and two weeks each summer. Instead, they participate 110–120 days a year and work side-by-side with their active duty colleagues on missions in countries around the world. General Waller has been through it all and has never wavered from the core values of the Guard: integrity first, service before self, and excellence in all that is done.

General Waller is clearly an outstanding soldier. His military awards and decorations include the Legion of Merit; Meritorious Service Medal with two bronze oak leaf clusters; Air Force Commendation Medal; Air Force Achievement Medal; Outstanding Unit Award; Combat Readiness medal with three bronze oak leaf clusters; National Defense Service Medal with one star; Air Force Longevity Service Award Ribbon with one silver and three bronze oak leaf clusters; Armed Forces Reserve medal with gold hourglass; Small Arms Expert Markmanship Ribbon; Air Force Training Ribbon; Rhode Island Star with one oak leaf cluster; Rhode Island Defense Medal; and Rhode Island National Guard Service Medal with eagle and "V" device.

General Waller is also an outstanding citizen. He is the devoted husband of Carol, the loving father of Wendy, Jay and Jill and the proud grandfather of three boys. Throughout the years he has also given to his community as a Boy Scout Master and a Sunday school teacher.

General Waller rose from the enlisted ranks and has occupied and succeeded at virtually every level of command. He inspired and empowered those around him. He cares deeply for the Guard and the people in it. We are honored by the legacy he leaves behind and aspire to ensure that General Waller is always proud of the Guard in the future.•

DAY OF REMEMBRANCE

• Mr. JEFFORDS. Mr. President, I rise today, April 23, as the United States Congress joins hands with the United States Holocaust Memorial Museum and conducts a Day of Remembrance ceremony in the Rotunda of the Capitol. This ceremony, and those in each of the 50 State capitols and in some 200 cities and towns throughout the nation, honors the memory of those 11 plus million Holocaust victims and the millions more who survived but found their pre-WWII lives in shambles and in all too many cases, irretrievable.

This year's ceremony pays special tribute to the children, those innocent victims of the war and the Nazis' persecution. That they survived is remarkable. In some instances, they bear the physical markings of their plight. Others carry their wounds in their hearts and heads.

That this great nation mandates a Day of Remembrance ceremony is an indication of its commitment to historical memory. But an equally important part of our effort to learn from the past is the presence of the United States Holocaust Memorial Museum. Its mission is to advance Holocaust memory, education and scholarship. This week marks its 5th anniversary.

Five years ago, no one would have predicted the reaction of the United States to the opening of the Holocaust Museum. Estimates of visitation, even those most rosy, were low by a factor of more than two. Expecting 750,000 visitors under the highest estimate, the museum welcomed over 2 million in its first year and every year since. Just drive by the Holocaust Museum any morning and see the line stretching around the building.

While I reflect on the Holocaust Museum, I feel it appropriate to mention the work of a distinguished Vermonter, Professor Raul Hilberg. Professor Hilberg spent many years educating students at the University of Vermont about the Holocaust, but few people know how instrumental he was in furthering Holocaust related research as a real serious enterprise. It wasn't until Raul Hilberg began his study of this important subject that historians

began to take it seriously, and his research preceded the concept of the Holocaust Memorial Museum. Professor Hilberg was instrumental in furthering the Museum's research programs and many feel that he serves as a father figure to the institution.

Americans care about the past and want the world they leave to their children to be a better and safer place. They have learned well the lessons from the fall of German democracy and the rise of Nazism. They look around the world today and see acts of genocide and crimes against humanity and rightly worry about our future.

They come to the Holocaust Museum because it informs and educates. It makes disregarding the past and even contemporary acts of genocide and crimes against humanity more difficult.

We as a nation benefit greatly from this institution which stands as a testament to the horrors of the past and guards against a reoccurrence in the future.•

NEBRASKA CULTURAL PRESERVATION ENDOWMENT

• Mr. KERREY. Mr. President, I would like to talk about an exceptional, innovative effort in Nebraska; the creation of a $5 million Nebraska Cultural Preservation Endowment. Last week the Nebraska Legislature approved, and Governor Nelson signed legislation to make Nebraska the first state in the nation to establish a combined funding source for arts and humanities programs.

I am very hopeful that this pioneer endeavor will safeguard Nebraska's cultural programs from the uncertainty of federal funding and private donations. And I have high hopes that this permanent state resource will provide the Nebraska Arts Council and Nebraska Humanities Council the flexible, broad-based kind of support that they need to do the best job possible. Moreover, the foresight, diligence and creativity of those who conceived of this venture will undoubtedly ensure that future generations of Nebraskans will benefit from a vibrant cultural life, historical tourism and economic development which this public-private partnership will foster.

At this time, I would like to applaud the efforts of those who made this Endowment possible. Governor Ben Nelson, State Senator LaVon Crosby, of Lincoln, Jennifer Severin Clark of the Nebraska Arts Council and Jane Hood of the Nebraska Humanities Council are all to be highly commended. Thank you for your leadership, commitment and courage in this endeavor and congratulations on a job very well done.•

150TH ANNIVERSARY OF THE WOMEN'S RIGHTS MOVEMENT

• Mr. ABRAHAM. Mr. President, I rise today to recognize the 150th Anniversary of the Women's Rights Movement of the United States. This courageous movement which began in 1848 in Seneca Falls, New York at the first Women's Rights Convention ever held, changed the nation irrevocably. The Women's Rights Movement had a profound impact on women and all Americans. It opened up many new doors and increased opportunities for women in all fields. The work to achieve equality for women that began in 1848, has continued over the course of seven generations. It is for this reason that this significant movement in American history should be increasingly recognized by our nation's citizens, especially our children.

The significance of this year cannot be stressed enough. This 150th Anniversary, under the national theme: "Living the Legacy: Women's Rights Movement 1848–1998" should be widely recognized and celebrated throughout the year and into the future.•

TRIBUTE TO BETSY STEVENS OF THE CAPE COD CHAPTER OF THE RED CROSS

• Mr. KENNEDY. Mr. President, it is a privilege to take this opportunity to pay tribute to Betsy Stevens, who recently retired as Disaster Chairman for the Cape Cod Chapter of the American Red Cross.

Betsy Stevens has served with great distinction in this position for the past six years. One of her most impressive achievements was hosting the recent Eastern Disaster Conference. Over 200 Red Cross disaster volunteers from the Eastern United States attended this conference hosted by the Cape Cod Chapter.

In her capacity as Chairman, Mrs. Stevens did an excellent job organizing and training volunteers to provide services to the victims of disasters. During her tenure, Red Cross volunteers responded to disasters such as the Oklahoma City bombing, the hurricane in Guam, and the paralyzing ice storm in Maine.

On Cape Cod, Betsy Stevens was renowned for her availability to deal with sudden crises at all hours. She responded to fires and airplane crashes, and manned shelters during severe storms. She was skillful in recruiting shop owners to donate goods and services. She found emergency housing for victims and served countless holiday dinners. She deserves great credit for the exceptional readiness and high quality of the Red Cross volunteers of the Cape Cod Chapter. Her leadership will be greatly missed, but she has the gratitude of all of us for the job she did so well. •

GIRL SCOUTS OF THE U.S.A. GOLD AWARD

• Mr. INHOFE. Mr. President, today I would like to salute several outstanding young women who have earned the Girl Scouts of the U.S.A. Gold Award. All are members of the Red Lands Council of Girl Scouts in Oklahoma City, OK.

These outstanding young women will be honored on April 30, 1998, for earning the highest achievement award in Girl Scouting. The Girl Scout Gold Award symbolizes the outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The Girl Scout Award can be earned by girls ages 14–17 or in grades 9–12.

Girl Scouts of the U.S.A., an organization serving over 2.5 million girls, has awarded more than 25,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must fulfill five requirements: earn four interest project patches, earn the Career Exploration pin, earn the Senior Girl Scout Challenge, and design and implement a Girl Scout Gold Award Project. A plan for fulfilling the requirements of the award is created by the Senior Girl Scout and carried out through close cooperation between the girl and an adult Girl Scout volunteer.

The names and projects of the young women receiving the Girl Scout Gold Award are as follows:

Mary Foster put up a fence, cleaned up and fixed headstones in her community cemetery.

Laura Hubbard made a camp song book and set up a workshop to teach children and adults.

Taneya Hamlin made a take-home booklet for children to learn about nature. She achieved this by designing and drawing an activity/coloring book for young visitors to Martin Park Nature Center.

Rebecca Shappie provided a method to raise money for scholarships for kids to go to camp.

Christina Hammond, Carrie Heaton, and Sara Brannan, designed an Erosion Control Project at Lake Keystone which will benefit present and future generations.

Patricia Bardick designed a program called "Babies, Bears and Books."

Jennifer Hall designed a program called "Boredom Buster and Beauty Bags" for the Baptist Children's Home.

Parthenia Harding, Erica Hill, Nina Holman, Jamila Jones and Rachel Landry-Gators set up and taught a basic American Red Cross course at an elementary school.

Michelle Lambertus created "Huggable Gingerbread," a puppet show for children in the hospital.

Joelle Parrot and Jamie Smith organized and staffed a community blood drive.

The earning of the Girl Scout Gold Award is a major accomplishment for these young women, and I believe they should receive the public recognition due them for this significant service to their community and their country.●

CONGRATULATIONS TO C. VIVIAN STRINGER AND THE SCARLET KNIGHTS

● Mr. LAUTENBERG. Mr. President, I rise today to congratulate the Rutgers University women's basketball coach, C. Vivian Stringer, and her team for their excellent success this past season when the Scarlet Knights made it to the NCAA Tournament.

Even though Rutgers didn't make it to the NCAA Final Four, losing to the Tennessee Lady Volunteers 92–60, Vivian and the talented young women whom she has recruited and cultivated are champions to all New Jerseyans.

Vivian began her career building the fledgling women's basketball program at Cheyney State in Pennsylvania, bringing the team to the NCAA Championship game in 1982. She moved on to Iowa State, where for nine consecutive seasons she brought her team to the NCAA Tournament. And then she landed at Rutgers.

As one most respected head coaches in women's basketball history, Vivian has been named National Coach of the Year three times by her peers, as well as getting Coach of the Year awards from Sports Illustrated, USA Today, Naismith and the Black Coaches Association.

So Vivian's success at Rutgers, however remarkable, is not unexpected. Before this year, the Scarlet Knights had not been to the NCAA Tournament since 1994. A recent news article in Newark, New Jersey's Star-Ledger describes the reasons behind Vivian's thriving tenure best, I think. It said that Vivian, now in her third season: "pumped Rutgers with fresh talent and a distaste for mediocrity, a combination that has triggered the Scarlet Knights' rise and surge through the NCAA Tournament."

Vivian has worked hard to recruit gifted women, instill discipline in practice and competition, and most importantly, inspire self-confidence among the players. The women attracted to the Rutger's basketball program all excelled in their high school years and have a strong desire to contribute to the game at a college level. The number of awards that the players on the team have received individually is part of an impressive collection, with honors such as Parade all-American, Rookies of the Year, Gatorade Player of the Year, and Sports Illustrated "Faces in the Crowd."

Again, I congratulate Vivian on her hard work and the ambitious young women who play for her. I wish them continued success.●

TRIBUTE TO MR. WALTER M. HAUK, JR.

● Mr. SANTORUM. Mr. President, the Knights of Columbus recently honored Mr. Walter Hauk, Jr. for his contributions as the State Advocate over the past two years. I rise today to recognize Mr. Hauk and to discuss some of his outstanding contributions to his community.

A resident of Plymouth Township, Pennsylvania, Walter has taken a very active role in local affairs. Over the past 25 years, Walter has been a cornerstone of the Knights of Columbus. In fact, he has held all of the top offices in the organization. In addition, he has served as member of the Conshohocken Zoning Board, assisted in the Conshohocken Soap Box Derby, and served as a Scout Master. Furthermore, I would note that he earned a degree in accounting by attending evening classes at St. Joseph's University.

By all accounts, Walter is a dedicated husband and father. He and his wife, Carol, were blessed with four children—two sons and two daughters. They are also proud grandparents.

Mr. President, Walter has dedicated his life to his family and his community. I ask my colleagues to join me in extending the Senate's best wishes for continued success to Mr. Hauk and his family. ●

DONOR AWARENESS WEEK, APRIL 19–25

● Mr. ABRAHAM. Mr. President, I rise today to proclaim this week, April 19–25, 1998 as "Donor Awareness Week." Organ and tissue donation is a very important issue. There is a critical need to bring this issue to the forefront. Nationally, nine out of ten individuals die while waiting for a lifesaving transplant. Awareness should be promoted at national and local levels.

I would also like to take this opportunity to recognize some individuals who work very hard to raise organ and transplant awareness. The volunteers at the Lakeshore Transplant Support Group in Muskegon, Michigan work on a daily basis to do so. I commend their dedication on behalf of this issue. Hopefully, more people will follow in their example and work to raise awareness of the importance of organ and tissue donation.●

MEASURE READ FOR THE FIRST TIME—S. 1981

Mr. GRASSLEY. Mr. President, I understand that S. 1981, which was introduced earlier today by Senator HUTCHINSON, is at the desk. I now ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 1981) to preserve the balance of rights between employers, employees, and labor organizations, which is fundamental to our system of collective bargaining while preserving the rights of workers to organize, or otherwise engage in concerted activities protected under the National Labor Relations Act.

Mr. GRASSLEY. Mr. President, I now ask for its second reading, and I object to my own request on behalf of Members on the other side of the aisle.

The PRESIDING OFFICER. The bill will be read the second time on the next legislative day.

MAKING A TECHNICAL CORRECTION TO S. RES. 414

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 215, submitted earlier today by Senator HUTCHISON.

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

The clerk will report.

The assistant legislative clerk read as follows:.

A resolution (S. Res. 215) directing the Secretary of the Senate to request the House of Representatives to return the official papers on S. 414, and to make a technical correction in the Act as passed by the Senate.

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. GRASSLEY. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 215) was agreed to, as follows:

S. RES. 215

Resolved, That the Secretary of the Senate is directed to request the House of Representatives to return to the Senate the official papers on S. 414, entitled "An Act to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States exports, and for other purposes".

SEC. 2. Upon the return of the official papers from the House of Representatives, the Secretary of the Senate is directed to make the following change in the text of the bill, viz:

In the amendment of section 8(f) of the Shipping Act of 1984 by section 106(e) of the bill, insert a comma and "including limitations of liability for cargo loss or damage," after "practices".

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and upon the recommendation of the Democratic Leader, pursuant to the provisions of S. Res. 208 of

the 105th Congress, appoints the following Senators to the Special Committee on the Year 2000 Technology Problem: The Senator from Connecticut (Mr. DODD), Vice Chairman, The Senator from New York (Mr. MOYNIHAN), and The Senator from New Mexico (Mr. BINGAMAN).

ORDERS FOR FRIDAY, APRIL 24, 1998

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Friday, April 24. I further ask that on Friday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then begin consideration of the conference report to accompany H.R. 1757, the State Department reorganization bill, under the consent agreement of March 31, 1998.

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

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT ON H.R. 1757

Mr. GRASSLEY. Mr. President, for the information of all Senators, the Senate will begin debate tomorrow on the State Department reorganization conference report under a 6-hour time agreement.

Mr. President, I ask unanimous consent that the vote on the adoption of the conference report now occur at 2:25 p.m. on Tuesday, April 28, with the previously ordered 10 minutes to commence at 2:15 Tuesday.

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

PROGRAM

Mr. GRASSLEY. Mr. President, as previously ordered, the vote on the conference report will now occur on Tuesday at 2:25 p.m. I announce to the membership that the vote scheduled for Monday, April 27, at 5:30 p.m. now be postponed until 6 p.m. on Monday, and will be on an executive matter to be determined on Friday, April 24, by the majority leader after consultation with the Democratic leader. Also, under the previous order, when the Senate reconvenes on Monday and following morning business, the Senate will proceed to executive session to consider the NATO treaty. It is hoped that there will be good debate on the treaty and that Members who wish to offer amendments will come to the floor to do so. Therefore, there will be no rollcall votes during Friday's session, and the next rollcall vote will occur on Monday, April 27, at 6 p.m.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. GRASSLEY. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:27 p.m., adjourned until Friday, April 24, 1998, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 23, 1998:

ENVIRONMENTAL PROTECTION AGENCY

NIKKI RUSH TINSLEY, OF MARYLAND, TO BE INSPECTOR GENERAL, ENVIRONMENTAL PROTECTION AGENCY, VICE JOHN C. MARTIN, RESIGNED.

THE JUDICIARY

ROBERT A. FREEDBERG, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA VICE THOMAS N. O'NEILL, JR., RETIRED.

DAVID R. HERNDON, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF ILLINOIS VICE WILLIAM L. BEATTY, RETIRED.

EXTENSIONS OF REMARKS

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. KIND. Mr. Speaker, the announcement by the House leadership to allow an open and honest debate on campaign finance reform has been cheered by editorials and reform activists throughout the country. I, however, am withholding my enthusiasm. We have been given false promises before and I will not celebrate until we actually take part in a truly open debate on this issue on the House floor.

I am not yet convinced that our goal of passing meaningful reform will happen given the history of the Republican leadership in the House and the Senate on this issue. In spite of the support of a majority of the members of the Senate, reform was defeated by procedural maneuvers. In the House a majority of the members have been advocating for a year and a half in support of campaign reform, yet we haven't gotten a vote. I hope that the leadership has finally seen that the public wants Congress to do something about big money in politics.

Mr. Speaker I will continue my effort to keep this issue at the forefront until I am assured that an open honest debate will happen on campaign finance reform. The people of western Wisconsin will accept nothing less.

HONORING FILIPINA S. MACAHILIG

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. FARR of California. Mr. Speaker, I rise to note the passing of a woman whose loving care for her family and community spanned half the world, for over half a century.

Filipina S. Macahilig began life in Manila, graduating from the University of the Philippines before working as a nurse through World War II. The children at the schools on Panay Island were comforted by her tender and competent care.

At war's end, Ms. Macahilig moved to the United States, first to San Francisco and then to the Monterey Peninsula, where she continued to care for the ill and infirm. She and her beloved husband Edel raised her large family: four sons, Rene, Felicisimo, Requiro and Edilberto, and four daughters, Alice, Bernadette, Suzanne and Teresita, all of whom graduated with highest honors and became outstanding members of their communities. Her warmth extended outwards into the community through her service as a longtime member and officer of the Filipino Community Organization of the Monterey Peninsula. She replenished her spirit at the Carmel Mission Basilica where she was a faithful parishioner. She cared for her fourteen grandchildren and five great-grandchildren with her own special kind of gentle compassion, providing a model of humanity that they will carry with them always.

Her death at the age of 87 was a loss, but her generous spirit will continue to warm and nurture the community through the memories she has left with us.

RECOGNIZING GEORGE DICKINSON

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. POSHARD. Mr. Speaker, I would like to take a moment to recognize the achievements and services of my constituent, George Dickinson of Flora, Illinois, who serves as Scoutmaster for Boy Scout Troop 282. He has volunteered for the Boy Scouts of America for fifty years and has remained committed to this organization and his community.

George has demonstrated excellent service to his troops by teaching them how to survive in the wilderness and respect others. Over the past fifty years, he has taken his troops on a variety of trips to help them understand the great outdoors even better, including a trek to the Philmont Boy Scout Ranch in New Mexico, canoeing the boundary waters of Minnesota, and hiking the Appalachian trail through Georgia. It is refreshing to know we can rely on role models such as George to mentor our youth.

George has received numerous awards from the local and national Boy Scout councils, including the Silver Beaver Award, the District Award of Merit and the Veteran Scouter Award. He is dedicated to his Troop and dedicated to the service of the Boy Scouts.

George is not only an exemplary role model for the Boy Scouts of Troop 282, but also for the state of Illinois and it is with the greatest honor that I can represent George in this body. Mr. Speaker, please join me in recognizing George Dickinson for his milestone fifty years of service to the Boy Scouts and the Flora community.

UKRAINE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, in August 1991, the people of Ukraine courageously and proudly proclaimed independence from the Soviet Union, and immediately faced the dual challenges of restructuring both a centralized economy and authoritarian political system. Unlike the often erratic progression of other post-Soviet nations, Ukraine has moved cautiously and steadily toward a free-market economy and multi-party democracy. Just last month, Ukraine successfully held its first national Parliamentary elections under a new democratic Constitution and recently passed federal election law. Nearly seventy percent of the citizenry turned out to cast a ballot in this monumental election.

Any transition of this magnitude, however, will naturally encounter both progress, as well as setbacks. Ukraine, as Europe's second-largest nation with 51 million citizens, has faced particular challenges in transforming a misguided and convoluted Soviet economic system into a transparent and viable economy, open and appealing to eager foreign investors. Many American investors have faced significant obstacles and complications attempting to operate in this difficult environment.

The fiscal year 1998 Foreign Operations Appropriations bill, signed into law by President Clinton last year, requires U.S. Secretary of State Madeline Albright to "certify no later than April 30, 1998 that the government of Ukraine has made significant progress toward resolving complaints by U.S. investors." Without such certification, the U.S. shall, under law, withhold fifty percent of the fiscal year 1998 foreign assistance funding to Ukraine, not including funds used for nuclear safety purposes. Given our country's vital long-term strategic interest in Ukraine, however, it is my hope that investor complaints have been sufficiently resolved to warrant Secretary Albright's certification on April 30.

American and Ukrainian officials alike have stated that the development and improvement of Ukraine's business climate is crucial for Ukraine's continued path toward a true, market-oriented economy. While America should commend the reform efforts attained by Ukraine in 1997, which have resulted in the lowest rate of inflation since independence, the stabilization of Ukraine's monetary unit, and the continued privatization of state-owned enterprises, it is equally important for Ukraine to achieve deregulation in product licensing and to pursue further restructuring of its energy and agricultural sectors. It is my hope that Ukraine can achieve these additional, much-needed reforms through the assistance of continued U.S. engagement.

Acknowledging America's role in Ukraine's continued economic development, former ambassador to Ukraine William Green Miller recently stated, "the United States has the capacity to continue the levels of support it has given in the past, and in fact, should look to increase those levels in order to ensure a successful outcome." The Ukrainian government has indicated that without increased foreign investment, many structural reforms already in place would be difficult to maintain. For this

reason, the Ukrainian government recently formed the Special Task Force on Corporate Governance and Shareholder Rights. The purpose of this task force is to enhance the investment climate in Ukraine and improve its competitiveness in the international marketplace.

The existence of informal and unofficial economies remains a frequent complaint among businesses attempting to operate in Ukraine. Such malfeasance can most properly be attributed to Ukraine's years under Soviet rule, where such practice was commonplace, and does not reflect the overall will or potential of the nation. Rather than turning our backs on a promising democracy because it retains unfortunate remnants of a failed, oppressive political doctrine, it is my belief that we should instead continue to engage this aspiring, recovering independent nation and encourage the constructive reform Ukraine has already initiated.

Rebuking Ukraine for its greatest challenges, rather than assisting her with them, is counterproductive and could send the signal to other nations that America has lost confidence in Ukraine's ability to further reform its system. Such an outcome could defeat years of progress in this important democracy, and weaken the beneficial relationship between our two nations. It is essential that the United States continues to work toward ensuring an economically viable Ukraine which is critical to continued peace and stability in the region.

WORKERS MEMORIAL DAY: ORGANIZING AWARD

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. FILNER. Mr. Speaker, I rise today to recognize the United Domestic Workers of America/AFSCME, AFL–CIO, as they are honored by the San Diego-Imperial Counties Labor Council, AFL–CIO for their contributions to the labor movement and to the community as a whole.

The UDW Organizing Committee is being recognized by the Labor Council with its "Organizing Award" for their historic organizing drive in which they made over 10,000 house visits and signed up 3,200 home care workers in a record 3½ months last summer.

These home care workers, who provide domestic and personal care services to the elderly and disabled, earn minimum wage with no benefits. While they give their service in caring for the sick and infirm, they have no sick leave, no health insurance, and no retirement. Even though their work is controlled by the county and paid by the state, they are not recognized as permanent employees. They are called independent providers and have no employee rights.

To correct this situation, the new members of UDW have set up organizing committees in San Diego's five supervisorial districts, prioritized their demands for improving their jobs, trained 30 new delegates for the UDW State Convention, and initiated a membership service program to include emergency assistance, legal consultations, life and medical insurance, and representation at benefit appeal hearings. UDW is also working on legislation and local initiatives to establish legal recognition and collective bargaining rights for independent providers.

Having completed these successful accomplishments, UDW is now in the second phase of its campaign to organize the remaining 6,000 independent providers.

As a friend and supporter of UDW for many years, I want to sincerely congratulate the UDW Organizing Committee and its members on receiving this significant award from the San Diego-Imperial Counties Labor Council for your many long hours and labor-intensive work in the cause of justice!

HONORING BLISSFIELD'S NATIONAL HEROES

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. SMITH of Michigan. Mr. Speaker, I rise to pay special tribute to four of my constituents who have demonstrated the true meaning of community service. So many people talk about the need to get involved and pitch in when they see a problem, but in my district is blessed to have four young people who put those words into action.

This week, the Make A Difference Day committee, organized by USA Weekend, named the group of Christi Stoker, Natalie Eisenmann, Amanda Nicolai, and Stephanie Powell among ten recipients of a national award from the Make A Difference Day Foundation.

These girls offered some helping hands to a homeless shelter in Toledo, not too far from their hometown of Blissfield, Michigan. The girls, who are 13, organized a coalition of community members to donate books, games, wallpaper, and other materials to make this shelter more of a home for the kids and their parents who sought refuge there. They ended up collecting more than $800 in contributions for the shelter.

And, these special young people didn't stop there. They helped a young girl at the shelter and her mother find a place to live. The girls still stay in touch with the family to whom they gave this precious gift.

Mr. Speaker, we are a nation that turns famous people into heroes—TV and movie stars and our national journalists. But to me, America's true heroes are those who devote time and energy in their communities to give or offer assistance and compassion to those who need it.

Few people who have performed that task better than Christi Stoker, Natalie Eisenmann, Amanda Nicolai, and Stephanie Powell.

HONORING ARTHUR MITTELDORF

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. FARR of California. Mr. Speaker, I rise today to honor Arthur Mitteldorf, a devoted conservationist and warm friend and respected member of the community.

Mr. Mitteldorf's contributions cannot be measured. Throughout the years, he freely gave of his time and knowledge to environmental advisory committees. He wrote persuasive articles and commentaries on topics such as air quality, hazardous materials, and the consequences of building dams. His presence will be sorely missed by members of the Ventana Chapter of the Sierra Club, where he put words to the views of many.

Early in life, his aesthetic sense found expression in music. While obtaining a degree in chemistry from Brooklyn College, Arthur played the cello in orchestras and chamber ensembles. His life as a cello player was set aside to become a businessman, and he rose to become president and chief executive of Spex Industries, Inc. in Edison, New Jersey. Later in life he returned to his music as a member of the Chamber Music Society of the Monterey Peninsula and of the Carmel Music Society.

Arthur Mitteldorf and his wife Harriet undertook a project that was two years in the doing. Together they searched Carmel Valley for a stand of redwoods that would epitomize the beauty of the area. In 1990, having found a majestic tract, they donated 1,100 acres of redwood dotted canyons and hills to the Big Sur Land Trust. It is now known as the Mitteldorf Preserve. The Preserve not only provides a refuge for flora and fauna, but has become the centerpiece of the Land Trust public outreach, multiplying the Mitteldorf's contribution by setting an example to others to join them in their love for the land.

Arthur Mitteldorf's generosity, his staunch defense of the environment, and his commitment to his community will be sorely missed by all who knew him. Our hearts go out to his family. We can take solace in the knowledge that his contributions will enrich generations into the future.

RECOGNIZING HELEN DILLARD

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. POSHARD. Mr. Speaker, I would like to take a moment to recognize the accomplishments of my constituent, Mrs. Helen Dillard of Eldorado, Illinois. She is celebrating her fiftieth year serving the people of Illinois as a laboratory technologist, and I want to commend her on reaching this exceptional milestone.

As co-chair of the House Rural Health Care Coalition, I am pleased to see that my constituents are helping to truly make a difference in the medical community. For twenty years, Helen worked at the Farrell Hospital, and for

twelve years she served the Hardin County General Hospital. She then went on to Pearce Hospital, and is currently working at the Harrisburg Medical Center, where she has impressed her co-workers with her diligence, skill and personality.

In addition, Helen is a model citizen in her hometown community. She participates in a wide range of activities and never hesitates to lend a hand to friends and neighbors. Helen is a faithful Christian and community leader who devotes her time and talent to the local church as an accomplished pianist, organist and singer.

Helen's kind generosity and dedication has brought her respect and admiration at work and at home. Mr. Speaker, please join with me in recognizing Helen Dillard for her milestone fifty years of service to the medical community and to the people of Eldorado.

CORTLAND ZONTA CLUB NAMES 1998 WOMAN OF ACHIEVEMENT

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. WALSH. Mr. Speaker, today I would like to acknowledge the very special contributions to my community and to humanity in general by an outstanding individual, the 1998 Zonta Woman of Achievement award winner in Cortland, N.Y., Mrs. Anna Forcucci.

Anna Forcucci is best known for her dedication to community health care, especially in her work for the Cortland Memorial Hospital and the Cortland Memorial Foundation.

As an employee of the hospital for 20 years, she has served in many roles. As Director of Volunteers for 12 of those years, she led 500 individuals and began many new programs. She was instrumental in the success of the 1993 Additions and Alterations Campaign which raised about $1 million. She is responsible for the great success of the Teen Age Volunteer Program, and for expanding it to include boys as well as girls. All participants gain experience in the health care setting and benefit from scholarships for academic service.

Anna is a role model not only for young women, but for all workers in the health care industry. She is highly regarded in her field among her colleagues around New York State.

Always the leader, she graduated from LeMoyne College in Syracuse summa cum laude in history and was awarded the Bishop Ferry Prize for highest grades in religion.

Anna has served on many boards with organizations such as the Salvation Army, the YWCA, the County Community Services, the Groton Health Center, and the J.M. Murray Center. She is a member of Zonta, the Fortnightly Club and the Church Women United, and since her retirement has remained active as a hospital volunteer and chair of the southern zone of the State Hospital Volunteer Association.

Anna Forcucci is a citizen of the highest character, integrity and ethical standards. It is with great pleasure that I ask my colleagues to recognize her accomplishments and to thank the Zonta Club of Cortland County for naming Anna the Woman of Achievement for 1998.

ACKNOWLEDGING ASHLEY SCOTT AND MEAGHAN MOORE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to acknowledge two young constituents from Colorado's Fourth Congressional District, Miss Ashley Scott and Miss Meaghan Moore who have the courage to speak out on a subject which most adults are noticeably silent—what happens to children who are raised in a society which has lost its respect for life. Violent acts committed by children have increased in the last two decades. With each terrible incident, we are struck with horror and bewilderment, unable or perhaps unwilling to answer our own question—what has happened to our children?

The answer to this question comes not from scientists or statesmen, but from the mouths of babes, the children whose lives have been profoundly affected by a culture of violence. Mr. Speaker, I hereby submit for the RECORD a letter submitted to the Coloradoan April 16, 1998 by Ashley and Meaghan, both twelve years old.

We want to inform people about how abortion is affecting children like us. In Arkansas recently, two boys, our age, murdered four young girls and one teacher. They are still to be punished for their crime. We want to know why mothers can get away with abortion when 12-year-old boys may get punished for murder.

We believe murder is murder, whether it is a shooting, stabbing, or abortion. Numerous amounts of mothers have killed an unborn child and not given them a chance to live. We also believe that doctors who carry out abortions are wrong. Everyone should have a chance to eat ice cream and get messy, play in puddles and get wet. And every mother can experience the warmth of a hug from a child. We understand mothers are confused and afraid, but they should think twice before getting pregnant. If we all take a stand, we can stop abortion.

Mr. Speaker, thank you for considering the opinions of these two young and bright constituents from Colorado.

WORKERS MEMORIAL DAY: FRIENDS OF LABOR AWARD

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. FILNER. Mr. Speaker, I rise today to recognize Mary Tong, Molly Busico and Michael Busico, as they are honored by the San Diego-Imperial Counties Labor Council, AFL–CIO for their dedication to helping working families and organized labor.

Mary Tong has worked for the labor movement for more than twenty years. She began her tireless efforts while still a teenager as she helped organize agricultural workers.

In 1993, she founded the Support Committee for Maquiladora Workers. As the Committee's Executive Director, she faces considerable risks to support the unionizing efforts of maquiladora workers. Mary played a critical role in assisting the workers at the Han Young plant to accomplish an historic feat by establishing the first independent union in the maquiladora industry in the Tijuana border region. In battling the corporations that move jobs south to Mexico to attempt to exploit workers, pay starvation wages, and disregard health and safety standards, Mary continues to break new ground in bringing together workers across borders.

Molly and Michael Busico are a labor family, and they are also a labor business. They give generous financial support to San Diego's labor movement through their family business, American Income Life. Molly and Mike volunteered to fund the Labor Council's Organizing Program and financed a toll free number and other campaign materials including banners and bumper stickers. Through American Income Life, they graciously host hospitality rooms for various union conferences.

Molly and Mike collect food on a monthly basis and donate it to the Labor Council's Community Services Program. When things get particularly busy, Molly volunteers in the Labor Council office. The Bosicos attend affiliate rallies together, and recently the entire family participated in the Strawberry Workers March in Watsonville. The Bosicos are a good example of the family that organizes together, stays together.

These three individuals are being honored by the Labor Council as Friends of Labor—members of the community whose work has strengthened labor's efforts and who have touched the lives of thousands of San Diegans. It is truly fitting that the House of Representatives join in this recognition, and I am proud to salute this year's honorees: Mary Tong, and Molly and Mike Busico.

CONGRATULATIONS TO BOB DUNCAN

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Bob Duncan for being honored with the Silver Medallion Award. This award is the highest honor bestowed by the Boys & Girls Clubs of America. Bob Duncan has been a life long supporter of the Boys & Girls Club and is very deserving of this honor.

Bob Duncan was born and raised in Fresno, California. He is the son of Lee R. Duncan and Mary Erma Duncan and has four grandchildren. He attended California State University, Fresno and served in the United States Army for three years during World War II, where he was a Lieutenant in the Medical Administration Corps.

Bob Duncan is currently on the Board of Governors at California State University, Fresno. He serves on the Steering Committee of

the American Lung Association Celebrity Waiters Luncheon and is a member of the Fresno Rotary, Presidents, Circle-California State University, Frenso, and Little Hero's-Big Heroes of Valley Childrens Hospital Program. He is the Director of the Fresno Metropolitan Museum, Fresno City and County Boys & Girls Club, and the Fresno Athletic Hall of Fame. Additionally, he serves on the Executive Committee of the Fresno Business Council, the Executive Committee of the Fresno Convention & Business Bureau, and the State Center Community College Foundation.

Bob Duncan has been honored with many awards. He has received the Presidents Award, been named Optimist Of The Year by the Greater Fresno Optimists, recognized as Boss of The Year by the National Secretaries Association and has received the Alumnus Award from the California State University, Fresno School of Business. He has been named Honorary Member of Beta Gramma Sigma and was honored with the Top Producer Award by the California State University, Frenso Bulldog Foundation. He has received the Friend of Youth Award from the Optimists Club, the Citizens Service Award from the Fresno Association For the Retarded, and has appropriately had the Campus Athletic Building at California State University, Fresno named after him.

Mr. Speaker, it is with great honor that I congratulate Bob Duncan for receiving the Silver Medallion Award. I applaud his leadership and exceptional community involvement. I ask my colleagues to join me in wishing Bob Duncan many more years of success.

RECOGNIZING MOTHER CHARLOTTE EADES

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. POSHARD. Mr. Speaker, it is my great honor to rise today in recognition of an exceptional and inspirational woman, Mother Charlotte Eades, to mark the occasion of her appointment as State Supervisor of Women, 1st Jurisdiction of Illinois-Church of God in Christ. Mother Eades has served for twenty-eight years as the First Assistant to former State Supervisor of Women, Mother Carrie Cantrell. Sadly, Mother Cantrell recently passed away, but there could be no more dedicated, experienced or respected woman to succeed her than Mother Eades.

In addition to being a devoted wife, mother, sister and friend, Mother Eades has served the church in many capacities. She has been a teacher, an evangelist, a missionary, an advisor, and for the past seven years, she has served as Dean of the C.H. Mason/William Roberts Bible College. Mother Eades is a true leader and a role model who gives selflessly and generously of her wisdom, time, experience and talents. She has already touched so many lives, and as State Supervisor of Women she will have the wonderful opportunity to touch so many more.

On May 2, Mother Eades will be honored at a ceremony in Hickory Hills, Illinois, in recognition of her ascendance to the position of State Supervisor of Women. Mr. Speaker, it gives me great pleasure to add my congratulations and to express my deep gratitude for Mother Eades' years of dedicated service and for the excellent example I know she will continue to set for Christian women everywhere. I know my colleagues join me in saluting Mother Eades on this very special occasion.

TRIBUTE TO WILLIAM KONAR

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. LANTOS. Mr. Speaker, today representatives of the Congress, the Administration, and the Supreme Court gathered in the Great Rotunda of this historic building for the National Civic Commemoration to remember the victims of the Holocaust. This annual national memorial service pays tribute to the six million Jews who died through senseless and systematic Nazi terror and brutality. At this somber commemoration, we also honored those heroic American and other Allied forces who liberated the Nazi concentration camps over half a century ago.

Mr. Speaker, this past week Fortune Magazine, April 13, 1998, devoted several pages to an article entitled "Everything in History was Against Them," which profiles five survivors of Nazi savagery who came to the United States penniless and built fortunes here in their adopted homeland. Mr. William Konar of Rochester, New York, was one of the five that Fortune Magazine selected to highlight in this extraordinary article, and I want to pay tribute to him today.

William Konar, like the other four singled out by Fortune Magazine, has a unique story, but there are common threads to these five tales of personal success. The story of the penniless immigrant who succeeds in America is a familiar theme in our nation's lore, but these stories involve a degree of courage and determination unmatched in the most inspiring of Horatio Alger's stories.

These men were, in the words of author Carol J. Loomis, "Holocaust survivors in the most rigorous sense," they "actually experienced the most awful horrors of the Holocaust, enduring a Nazi death camp or a concentration camp or one of the ghettos that were essentially holding pens for those camps."

They picked themselves up "from the very cruelest of circumstances, they traveled to America and prospered as businessmen. They did it, to borrow a phrase from Elie Wiesel, when everything in history was against them." They were teenagers or younger when World War II began. They lost six years of their youth and six years of education. "They were deprived of liberty and shorn of dignity. All lost relatives, and most lost one or both parents. Each . . . was forced to live constantly with the threat of death and the knowledge that next time he might be "thumbed" not into a line of prisoners allowed to live, but into another line headed for the gas chambers." Through luck and the sheer will to survive, these were some of the very fortunate who loved to tell the story of that horror.

The second part of their stories is also similar—a variant of the American dream. These courageous men came to the United States with "little English and less money." Despite their lack of friends and mentors, they found the drive to succeed. As Loomis notes, "many millions who were unencumbered by the heavy, exhausting baggage of the Holocaust had the same opportunities and never reached out to seize them as these men did." Their success in view of the immense obstacles that impeded their path makes their stories all the more remarkable.

One other element that is also common to these five outstanding business leaders—they are "Founders" of the U.S. Holocaust Memorial Museum here in Washington, DC. They have shown a strong commitment to remembering the brutal horrors of the Holocaust, paying honor to its victims, and working to prevent the repetition of this vicious inhumanity.

Mr. Speaker, William Konar is one of the five Holocaust survivors and leading American entrepreneurs highlighted in this article. Mr. Konar was extremely successful in developing a chain of 84 discount drugstores, and he has been active and successful in real estate after selling the drugstore operation. As we here in the Congress mark the annual Days of Remembrance in honor of the victims of Nazi terror, I am inserting the profile of William Konar from Fortune Magazine be placed in the RECORD.

WILLIAM KONAR

ROCHESTER, N.Y.—RACK JOBBING, DRUGSTORES, REAL ESTATE

In the years since World War II, Bill Konar, now 68, has talked very little of his Holocaust experience, and as he made the effort recently for a visitor, his face gradually tightened, coming to look as if he could barely squeeze out the words. He was the youngest child of four in a family that lived in the central Poland city of Radom. His father, a leather wholesaler, died when he was 4—but not before the father had identified this son, Welwel by name then, as an uncontrollable piece of work, a stealer from the father's cash register even, who would surely someday "end up in Alcatraz" (indeed, infamous even in Radom).

After the Germans marched into Poland, Radom's Jews were first forced into work, then into ghettos, and ultimately into terrible episodes of separation, with the women and small children taken away and the men left in the ghettos. Bill, though only 12 and slight in build, was put with the men. After the time of separation, in July 1942, he never again saw his mother, his sister, her baby, or her husband (who had refused to leave his family).

Throughout these years, Bill's older brothers, Herszek (now Harry) and Moshe (now Morris), both teenagers, worked for the Wehrmacht. Aware, though, that his youth and small size made him look useless and expendable, Bill hid in ghetto attics for long periods. Later he worked, doing food-depot duty that he remembers as grueling.

By the summer of 1944, the Russians were advancing fast on the eastern front, and the Germans in Radom grew apprehensive that their Jews, many by then well-trained war workers, would escape. So the Konars and hundreds of other victims in the area were

put into a forced march for more than 100 miles and at its end herded into railroad boxcars said to be headed for work camps in Germany. The stops turned out to include Auschwitz. There, the Jews were ordered out of their cars and subjected to still another weeding out in which the weak, elderly, and sick were shunted off to the gas chambers, and the others were shoved back onto the train. When the cars pulled out again, Bill was aboard, and so were his brothers.

The three ended the war at a work camp near Stuttgart, Germany, where Bill fell under the protection of a German cook, who liked this imp of a kid, let him sneak food to his family, and, in the final days of war, even helped him hide a brother threatened with transport one more time. On liberation day for the Konars, May 7, 1945, Bill was 15—hardened way beyond his years, but still 15.

Right after the war, Bill got into a school run by a relief agency and began to learn English. That gave him a head start when, in 1946, he became part of a boatload of orphans brought to the U.S. and dispersed countrywide to homes that either wanted or would have them. "They picked Rochester for me," he says, and that's where he's been ever since (along with his brothers, who came later). In the city's leading hospital, Strong Memorial, there is a renowned unit called the William and Sheila Konar Center for Digestive and Liver Diseases that would not exist had not Rochester gotten hold of this 16-year-old.

The U.S. government paid $10 a week to a Mrs. Goldberg to keep him. He somehow passed tests that qualified him to enter the junior class of Benjamin Franklin High School, and in his two years there he played soccer, worked for 25 cents an hour at a supermarket, and otherwise took on the spots—though definitely not the accent—of an American teenager. Once graduated, he even began taking some classes at the University of Rochester.

But by that time he was working just about every other hour of the day, getting a kick out of paying income taxes, and showing a marked talent for business. He sold canned foods and then kosher pickles to grocers and restaurants. Next, he caught on to a new wholesaling trend: the placing, or "rack jobbing," of health and beauty aids in food stores. He started with goods from Lever Brothers, Pacquin, and Ben-Gay; spread into phonograph records and housewares; and eventually got beyond mom-and-pop stores into the bigger spreads serviced by Independent Grocers Alliance (IGA). By the time he was 23, in 1952, his company, which he owned with a partner, had sales of $1 million. And in another ten years he was minus the partner and on his own, raking in good profits on sales above $3 million. From a street in Rochester on which he rented a building, he'd also lit on a Yankee-sounding name for his company, Clinton.

In business he had all the right entrepreneurial instincts and disciplines. "Cash is king" was a motto, meaning that he unequivocally expected his invoices to be paid when due. Big or not, J.C. Penney, to which Konar wholesaled records, got axed as a customer when it proved to be a slow payer. Konar also habitually worked like a demon. He wife, Sheila, whom he married when he was 24, rolls her eyes at the memory: "He was crazy; I didn't have a husband." Once, she says, her house caught on fire and he was too busy to come home, so he sent one of his managers to help instead.

Konar might have stayed at rack jobbing forever had not his biggest customer, IGA, decided in 1962 to go "direct," which meant it would cut out his middleman and his profits and instead itself supply the goods he'd been selling. The move caught Konar at a terrible time—he'd just bulked up in warehouse space—he was too independent and too riled to accept IGA's offer to buy him out. Said Konar to IGA's president: "I've been through the war, and I'm not going to take any crap from anybody."

He and IGA began gradually to phase out their dealings, and within months Konar simply went into an entirely new business: owning and operating discount drugstores (which, of course, could be fed from some of his spare warehouse space). His first two stores were in Muskegon and Traverse City, Mich., and from there, he added on another 80 stores stretching east to Rhode Island. His business formula was simple: very low prices, overseen by store managers who got a cut of the profits. It all worked well enough to get him to $12 million in sales in 1968 and $1 million in profits, earned from 64 drugstores and a small but still profitable rack-jobbing business.

And at that point, Konar took Clinton Merchandising public, in a sale that reduced his ownership of the company from 100% to 67% and also brought about $2 million into the company. On paper, the deal made Konar worth about $9 million, not bad considering where he'd come from. But he was no happier with public ownership than was Nathan Shapell, and he soon started listening to acquisition propositions. The eventual buyer was Melville Corp., which in 1972 acquired Clinton (by then up to 84 stores) for about $21.5 million. On paper this deal raised Konar's net worth to more than $14 million.

Melville combined Clinton's retail operations with its own chain of discount drugstores, CVS, and used many of Konar's merchandising ideas to build the highly successful chain that exists today. Konar himself stayed around, working part-time, for nine years. And then, at age 52, he "retired."

His hair has a retirement look, having long ago turned white. But a life of complete leisure has no charms for him; he has spent the past couple of decades building a real estate business in Rochester, William B. Konar Enterprises. The business owns apartments, townhouses, and warehouses, and is constructing an industrial park on the edge of Rochester.

Konar's own house, on the Erie Canal in suburban Rochester, is very nice but not lavish. Nearby, though, is the large and elegant new home of Konar's daughter, Rachel, her husband (who works for Konar), and their two children. Konar played tour guide through the house recently, clearly enjoying the moment. As he finished up and headed for his car, he looked back at the home with a grin, shook his head in wonder at it all, and said, "What a country!"

RETIREMENT OF STEVE McNEAL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to commemorate a constituent of mine, Mr. Steve McNeal of Fort Collins, Colorado upon his retirement after 36 years teaching music in the Poudre School District. Hired in 1962, his last year marks the longest term of service to the district of all teachers presently employed. During his long career, he has gained the respect and admiration of generations of students, parents, teachers, and administrators.

For his commitment to excellence, Steve was recently awarded the National School Orchestra Association Director of the Year. Even though the Fort Collins High School auditorium bears his name, Steve's legacy cannot be contained in a place or told in a word. As notable historian Henry Brooks Adam once said, "A teacher affects eternity; he can never tell where his influence stops." Steve McNeal is one such teacher, a person who touched lives through teaching music.

To teach a young person to love music is to give that person a lasting virtue. To teach a person to play music is to give that child the ability to make something beautiful and the confidence to carry through life even when the instrument is put away.

Although I cannot convey gratitude to match that which sounded forth last Sunday during a musical commemoration for Steve McNeal, I would like to impart to Congress a note of my appreciation for this special Colorado teacher. His devotion to music and his students has brought nearly four decades of song.

HONORING DEAN E. McHENRY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. FARR OF California. Mr. Speaker, today I rise to honor Dean E. McHenry, a visionary who achieved his dreams for public higher education in California and, in so doing, empowered a legion of students to achieve their dreams.

Dean McHenry's leadership in California institutions of higher education can be traced from his position as student body president at University of California at Los Angeles. He attended the best schools, both public and private, that our fine state can offer, earning a master's degree from Stanford University and doctorate from University of California at Berkeley. A noted scholar in his field of political science, he authorized many books, was a Carnegie Fellow in New Zealand and Australia, and a Fullbright lecturer at the University of Western Australia.

Dean McHenry held a number of administrative posts at the University of California at Los Angeles. But his life took a significant turn when his former roommate, Clark Kerr, who had just been appointed to the presidency of the University of California system, tapped into his abilities to conceptualize an innovative system of higher education, asking him to serve as the University representative on the team developing California's Master Plan for Higher Education. It was then that Dean McHenry designed a college system accessible to all high school graduates, with standards for the University, the state college system, and community colleges that allowed students to advance from one institution to another.

In 1961, Dean McHenry was appointed founding chancellor of the University of California, Santa Cruz which would become the

tangible expression of the philosophies he shared with President Clark Kerr. Together they envisioned a university at which major academic research was done in an intimate small-college environment, a constellation of colleges, each with a specialized academic focus, and attendant dining halls, classrooms and meeting facilities. During the four planning years, eminent scholars were recruited to the faculty. The University of California, Santa Cruz opened to students in 1965. Upon opening not all of the construction had been completed, so the students were housed in mobile home trailers. They were pioneers with a visionary leader.

In the McHenry years, the University of California, Santa Cruz flourished. After his retirement in 1974, Dean McHenry monitored additions such as the arboretum and Long Marine Laboratory, supporting the University as a member of the UC Santa Cruz Foundation.

In his retirement, the nurturing aspect of his nature turned to family, friends and vinticulture, and those too were very good years. He is survived by his loving wife and helpmate, Jane, and four children, Sally MacKenzie, Dean McHenry Jr., Nancy Fletcher, and Henry McHenry, as well as nine grandchildren and seven great grandchildren.

Mr. Speaker, the far-sighted concepts of Dean McHenry have set the course for public education in California, with the University system as its crown jewel. His spirit imbues the campuses of the University of California with fairness and lofty standards. The University's students carry with them, throughout life, a bit of Dean McHenry's enthusiasm and passion for learning.

WORKERS MEMORIAL DAY: LEADERSHIP AWARD

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. FILNER. Mr. Speaker, I rise today to recognize Phil Saal, Secretary-Treasurer of Teamsters Local 542, as he is honored by the San Diego-Imperial Counties Labor Council, AFL–CIO for his leadership in the successful United Parcel Service (UPS) strike of 1997.

Phil and the Teamsters gathered overwhelming public support for working families and the plight of the growing part-time workforce during the UPS strike—and his leadership in bringing the UPS contract to a successful settlement is being acknowledged by this Leadership Award.

Under Phil's direction, dozens of strike counselors were trained to provide food and financial assistance to Teamsters during their contract dispute. Five hundred checks, totaling $30,0000, were written to assist workers with their bills, and thousands of pounds of food were distributed.

Phil is also a member of the Labor Council's Board of Directors and is a supporter of the Unity Coalition of Organized Labor in San Diego.

My congratulations go to Phil Saal for these significant contributions. I can attest to Phil's dedication and commitment and believe him to be highly deserving of the San Diego-Imperial Counties Labor Council, AFL–CIO Leadership Award.

HONORING BLISSFIELD YOUTH

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. SMITH of Michigan. Mr. Speaker, I rise to pay special tribute to four of my constituents who have demonstrated the true meaning of community service. So many people talk about the need to get involved and pitch in when they see a problem, but my district is blessed to have four young people who put those words into action.

This week, the Make A Difference Day committee, organized by USA Weekend, named the group of Christi Stoker, Natalie Eisenmann, Amanda Nicolai, and Stephanie Powell among ten recipients of a national award from the Make A Difference Day Foundation.

These girls offered some helping hands to a homeless shelter in Toledo, not too far from their hometown of Blissfield, Michigan. The girls, who are 13, organized a coalition of community members to donate books, games, wallpaper, and other materials to make this shelter more of a home for the kids and their parents who sought refuge there. They ended up collecting more than $800 in contributions for the shelter.

And, these special young people didn't stop there. They helped a young girl at the shelter and her mother find a place to live. The girls still stay in touch with the family to whom they gave this precious gift.

Mr. Speaker, we are a nation that turns famous people into hereoes—TV and movie stars and our national journalists. But to me, America's true heroes are those who devote time and energy in their communities to give, offer assistance and compassion to those who need it.

Few people have performed that task better than Christi Stoker, Natalie Eisenmann, Amanda Nicolai, and Stephanie Powell.

CREDIT UNION MEMBERSHIP ACCESS ACT

SPEECH OF

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. WALSH. Mr. Speaker, I rise today in strong support of H.R. 1151, the Credit Union Membership Access Act. I am proud to have been an original cosponsor of this important legislation.

My vote is a continuation of longstanding personal backing for credit unions in general. I believe they provide an invaluable service to working men and women—a service which is both convenient and comfortable.

Credit unions are familiar places which in many cases don't offer a full range of banking services but nevertheless do provide basic financial assistance—whether it be pocket money or a small unsecured loan.

After the U.S. Court of Appeals for the District of Columbia overturned a credit union decision in July of 1996, many of us in Congress realized the need for legislation to protect credit union members. Today's vote is the culmination of our efforts.

By passing this legislation, we allow Americans to choose the institution in which they put their money. By promoting continued operation of credit unions in a sound and reasonable manner, we spur competition and encourage savings. By supporting credit unions in this manner, we demonstrate our faith in the wisdom of working people.

On behalf of my constituents in central New York who will benefit from this consumer protection law, I want to thank the House for today's passage.

DISTINGUISHED TEACHER AWARD RECIPIENTS FROM COLORADO'S FOURTH CONGRESSIONAL DISTRICT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today in recognition of the Distinguished Teacher Award recipients from Colorado's Fourth Congressional District. These educators have committed their lives to teaching young minds in the Poudre School District. As individuals devoted to excellence, possessing talent, patience, fortitude, a personal love of learning, and the kind of tough love necessary to teach children, these individuals are the pride of our community and a credit to their profession. To the men and women of this Chamber and to the people of Colorado, I echo the words of Distinguished Awards Founder, Harry McCabe, "You have these very special people who have dedicated themselves to the young people in our society." Let us today honor them by name.

Distinguished Teacher William 'Skip' Caddoo of Lesher Junior High School, eight years of dedication to our schools.

Distinguished Teacher Jayne Hennen of Poudre High School, 22 years of dedication to our schools.

Distinguished Teacher Nancy Jacobs of Eyestone Elementary School, 19 years of dedication to our schools.

Distinguished Teacher Lana Jensen of Lopez Elementary School, 12 years of dedication to our schools.

Distinguished Teacher Ronald Jensen of Fort Collins High School, 14 years of dedication to our schools.

Distinguished Teacher Larry Lashley of Poudre High School, 27 years of dedication to our schools.

Distinguished Teacher Sandy Martinez of Lincoln Junior High School, 16 years of dedication to our schools.

Distinguished Teacher Tim Pearson of Riffenburgh Elementary School, 16 years of dedication to our schools.

Mr. Speaker, as you know, excellence in education has been the focus of my efforts since my days in the Colorado State Senate. As the son of two school teachers and the father of three children who attend public schools (and one on her way), no issue is closer to my heart and home. Exceptional public school teachers deserve our admiration, not only for their hard work but for the sheer weight of their accomplishments—the cultivation of an educated citizenry. These inspirational individuals give me a glimpse into what the future can hold if we let it. If we continue to improve our system by recognizing and building on the achievements of great educators like these men and women, the sky is the limit for American education.

HONORING FRED HIRT

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Ms. ROS-LEHTINEN. Mr. Speaker, next week, the Mount Sinai Medical Center, one of the leading medical centers in the United States, must wave good bye to Fred Hirt, its CEO and the individual responsible for many of the Center's most notable achievements. With much appreciation and admiration, the residents of the 18th Congressional district wish Fred much success as he progresses into the next phase of his professional life.

As CEO of Mount Sinai Medical Center, South Florida's only private, not-for-profit independent teaching hospital, Fred, who has been twice named "Best Hospital Administrator" by Medical Business, has achieved many notable accomplishments of great benefit to South Florida. The many achievements during his tenure include the construction of a state-of-the-art Comprehensive Cancer Center, the development of one of Dade County's most active cardiac programs, the establishment of the Wien Center for Alzheimer's Disease and Memory Disorders, and the acquisition of the St. Francis-Barry Nursing and Rehabilitation Center. Moreover, he has also supervised the contribution of an estimated $10 million each year for the care of South Florida's indigent population.

A specific example of Fred's vision has been his ability, over a decade ago, to identify those forces that would be of great value to today's health care industry: outpatient satellite facilities. For over a decade, Mount Sinai, with Fred at the helm, set up its first outpatient satellite facility and has gone on to develop seven more of these centers throughout South Florida.

Fred has also taken his duties beyond Mount Sinai and has dedicated his leadership and vision to over 50 local and national organizations. His participation in many state and federal legislative issues has been critical to the passage of significant legislation.

We thank Fred for his endless dedication to Miami's health care industry and for making Mount Sinai Medical Center, a national, not-for-profit, independent teaching hospital a force to be reckoned with nationally. His efforts will leave a mark on South Florida for many years to come and although he will be greatly missed, we wish him the best of luck in all of his future endeavors, where he will assuredly excel.

CONGRATULATIONS TO DICK AND BOB ANDERSON OF ANDERSON FARMS

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Dick and Bob Anderson of Anderson Farms for receiving the Fresno County Farm Bureau's Distinguished Service Award. The Andersons have been providing dedicated service to the agricultural community since the 1940's and are very deserving of this honor.

Dick and Lesta Anderson began farming in Tulare in 1940. Over the years, both of their sons, Bob and Craig, and grandchildren have joined in the family farming enterprises.

In 1974, the Andersons purchased land and equipment in the Huron area from the Giffen Ranch. They started Vasto Valle Farms, Inc. where Bob Anderson served as the ranch manager. During the first year, with only one tractor operating, they managed to harvest tomatoes and a variety of row crops. During the 1970's, they primarily farmed tomatoes, onions, melons, and lettuce.

In the 1980's, the water situation and commodity prices affected their cropping patterns. The Andersons added many vegetable crops which were new to the Westside. These crops included peppers, mixed melons, corn, celery, garlic, broccoli, leaf lettuce, cauliflower, beans, and cabbage. With their increased interest in vegetable production, the Andersons recognized the opportunity of building and operating their own cold storage facility and began to ship vegetables under their own labels of Vasto Valle Farms, Weston, and Dancin Andson.

In 1977, the Andersons formed a partnership and built a state of the art greenhouse nursery in Huron. The Plantel Central Valley Nursery now has 127,000 square feet of greenhouse space, with plenty of room for expansion.

Anderson Farms has grown significantly over the years. The Andersons now plant vegetables during every month of the year. In 1998, the Andersons expected to grow about 6,400 acres of vegetables.

Dick and Bob Anderson have always been supportive of their community. They have both served on the Board of Directors of the Huron Ginning Company. They support local schools and help students with their projects and activities. Bob's son, Mark, is currently in charge of Anderson Farms fresh fruit and vegetable sales and is Vice Chairman of the California Cantaloupe Advisory Board. His daughter, Robyn Black, is Deputy Director of the California Department of Industrial Relations. Robyn has served as an advisory board member of California Agriculture in the Classroom and is a member of the California Farm Water Coalition Board of Directors.

The Andersons are a four generation farming family. Their love of farming keeps them searching for new and innovative methods of keeping up with the constantly changing times.

Mr. Speaker, it is with great honor that I congratulate Dick and Bob Anderson for receiving the Fresno County Farm Bureau's Distinguished Service Award. It is their exceptional dedication and contribution to farming that warrant this recognition. I ask my colleagues to join me in wishing Dick and Bob Anderson many more years of success.

WORKERS MEMORIAL DAY: LABOR TO NEIGHBOR AWARD

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. FILNER. Mr. Speaker, I rise today to recognize the Sheet Metal Workers Union Local 206 and the Ironworkers Union Local 229, as they are honored by the San Diego-Imperial Counties Labor Council, AFL–CIO for their strong support of the Labor to Neighbor program. The Labor to Neighbor program educates and involves union members and their families in the campaign to protect jobs and the future of working people in San Diego and Imperial Counties.

The Sheet Metal Workers Local 206 is being recognized for its leadership role in the Farm Team Project that recruits and develops future candidates for all levels of elected office throughout our area. They also provided major financial assistance for the Voter List Project and for the fight against Proposition 226, the thinly-veiled attack on organized labor's right to participate in our democratic process.

The Ironworkers Local 229 is being recognized for their ongoing commitment to Labor to Neighbor, having been also recognized last year with this same honor. Local 229 organized an annual Labor to Neighbor fund-raising golf tournament to support efforts to educate union members on important issues and elections throughout San Diego and Imperial Counties.

For these activities, the San Diego-Imperial Counties Labor Council, AFL–CIO recognizes the Sheet Metal Workers Union Local 206 and the Ironworkers Local 229 with their "Labor to Neighbor Award." I am pleased to join in honoring their contributions to the working families of both San Diego County and Imperial County.

PUNJAB POLICE FOUND GUILTY OF HARASSING REPORTER

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. SOLOMON. Mr. Speaker, on April 22, Burning Punjab reported that two Punjab policemen were found guilty of harassing a Hindu journalist, Sanjiv Sharma, and three other members of his family. Police Sub-Inspector Girdhara Singh and police officer

Balhit Singh tortured Sanjiv Sharma, his father Chander Muni Lal, his friend Ranjiv Thakur (a Chandigarh car dealer), and lawyer Ajit Singh. The police in "the world's largest democracy" are harassing journalists, lawyers, private businessmen, and old men! This does not give me a great deal of confidence in the Punjab police.

On September 21, 1996, Mr. Sharma had appeared at a hearing in Patiala. On their way home, they were intercepted at Bahadurgarh, according to Burning Punjab, by a police officer who brought them back to Patiala, where they were beaten. The four men filed a complaint with the high court, which ordered the district magistrate to investigate the matter. The investigation report called for criminal action against these two police officers.

Unfortunately, this conduct is typical of the Punjab police. Here is a police force which kidnapped human-rights activist Jaswant Singh Khalra, which just last month raped 17-year-old Hardip Kaur, and which has murdered thousands of Sikhs and collected cash bounties for doing so. These are not the actions of a law-enforcement agency in a democratic state. They are the actions of a tyrannical occupying force. We must take strong action to stop this routine oppression.

The United States must speak out for basic human rights in Punjab, Khalistan. We should impose strong sanctions on this corrupt regime and speak out in support of a free and fair plebiscite on the political status of Punjab, Khalistan. These measures will help to end the kind of tyrannical abuses that were inflicted on Sanjiv Sharma.

CUBAN-AMERICAN ARTIST XAVIER CORTADA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to pay tribute to Xavier Cortada for his newly unveiled exhibition entitled, "Cubaba". Having exhibited on four different continents, this month marks the inception of Xavier's first solo show in his hometown of Miami, Florida.

Growing up Cuban-American in Miami was the foundation that inspired Xavier to paint the enlightening cultural celebration that is Cubaba. With combined elements of Hispanic culture and of Anglo-American college life, Xavier gave life to the feelings of "identity and belonging, about then and now, about being Cuban, being American, being both and being neither." The renegotiation of identity that mirrors members of the Cuban generation who find themselves "on the hyphen".

The Miami-based artist is also an attorney and a community leader who is able to express his concerns for social and political issues while exploring topics such as community development, racism, violence, poverty, political freedom, AIDS, and Cuba.

Prestigious accomplishments achieved by Xavier include having been commissioned to create public art for organizations such as Nike, HBO, MADD and Indiana's Governor's office. He has been commissioned to create community murals by museums such as the Lowe Art Museum, the Wolfsonian and the Miami Youth Museum.

In Cubaba, this talented painter and social voice has reaffirmed the existence of biculturalism through his celebration of oil colors on canvas and expression of Cuban nostalgia and American reality.

TRIBUTE TO JAMES McSHANE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Ms. ESHOO. Mr. Speaker, I rise today to honor James McShane on the occasion of his 90th birthday.

Mr. McShane was born in County Donegal in Ireland on April 26, 1908. Named for his grandfather and one of ten children, he immigrated to the United States in 1929 and proudly became an American citizen. Mr. McShane patriotically defended his adopted homeland during World War II, enlisting in the U.S. Army in 1941 and serving as a Master Sergeant until October 1, 1945. During the conflict, he found time to marry Marie Stirn, with whom he had three children: Dennis James, Margaret Mary, and Kathleen Bridget. Dennis James has gone on to become an outstanding doctor for the people of California's 14th Congressional District and a long-term partner for Richard Gordon, who serves on the San Mateo County Board of Supervisors.

Mr. Speaker, I ask my colleagues to join me in congratulating James McShane on his 90th birthday and in honoring his service to our nation and the legacy he has provided us through his loving family.

CELEBRATING THE 50TH WEDDING ANNIVERSARY FOR CORA AND WALTER THARP

HON. JIM BUNNING

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. BUNNING. Mr. Speaker, all of us like to talk about "family values." But all too often we, and particularly the media, focus our attention on "family failures"—neglected children, broken homes, spouse abuse. We should not forget that we need also to headline the success stories of "family values". There are lots of them and they should not be ignored.

One of these success stories is about to be celebrated in my congressional district—the 50th wedding anniversary of Cora and Walter Tharp of Fort Thomas, Kentucky.

The Tharps' 50th anniversary may be an overlooked event in terms of international politics, and it certainly won't make the national news. But it is a major achievement nonetheless in the lives of two people, their family and the people whom they have touched. And it illustrates very clearly that "family values" can work and that when they do, it is a real treasure.

On August 7, 1998, the family and friends of Cora and Walter Tharp will celebrate 50 years of a couple who understand and live "family values".

It is definitely an event worth celebrating.

TRIBUTE TO SIGI ZIERING

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. LANTOS. Mr. Speaker, today representatives of the Congress, the Administration, and the Supreme Court gathered in the Great Rotunda of this historic building for the National Civic Commemoration to remember the victims of the Holocaust. This annual national memorial service pays tribute to the six million Jews who died through senseless and systematic Nazi terror and brutality. At this somber commemoration, we also honored those heroic American and other Allied forces who liberated the Nazi concentration camps over half a century ago.

Mr. Speaker, this past week Fortune Magazine (April 13, 1998) devoted several pages to an article entitled "Everything in History was Against Them," which profiles five survivors of Nazi savagery who came to the United States penniless and built fortunes here in their adopted homeland. It is significant, Mr. Speaker, that four of these five are residents of my home state of California. Mr. Sigi Ziering of Los Angeles was one of the five that Fortune Magazine selected to highlight in this extraordinary article, and I want to pay tribute to him today.

Sigi Ziering, like the other four singled out by Fortune Magazine, has a unique story, but there are common threads to these five tales of personal success. The story of the penniless immigrant who succeeds in America is a familiar theme in our nation's lore, but these stories involve a degree of courage and determination unmatched in the most inspiring of Horatio Alger's stories.

These men were, in the words of author Carol J. Loomis, "Holocaust survivors in the most rigorous sense," they "actually experienced the most awful horrors of the Holocaust, enduring a Nazi death camp or a concentration camp or one of the ghettos that were essentially holding pens for those camps."

They picked themselves up "from the very cruelest of circumstances, they traveled to America and prospered as businessmen. They did it, to borrow a phrase from Elie Wiesel, when everything in history was against them." They were teenagers or younger when World War II began. They lost six years of their youth and six years of education. "They were deprived of liberty and shorn of dignity. All lost relatives, and most lost one or both parents. Each . . . was forced to live constantly with the threat of death and the knowledge that next time he might be 'thumbed' not into a line of prisoners allowed to live, but into another line headed for the gas chambers." Through luck and the sheer will to survive, these were some of the very fortunate who lived to tell the story of that horror.

The second part of their stories is also similar—a variant of the American dream. These courageous men came to the United States with "little English and less money." Despite their lack of friends and mentors, they found the drive to succeed. As Loomis notes, "many millions who were unencumbered by the heavy, exhausting baggage of the Holocaust had the same opportunities and never reached out to seize them as these men did." Their success in view of the immense obstacles that impeded their path makes their stories all the more remarkable.

One other element that is also common to these five outstanding business leaders—they are "Founders" of the U.S. Holocaust Memorial Museum here in Washington, D.C. They have shown a strong commitment to remembering the brutal horrors of the Holocaust, paying honor to its victims, and working to prevent the repetition of this vicious inhumanity.

Mr. Speaker, Sigi Ziering is one of the five Holocaust survivors and leading American entrepreneurs highlighted in this article. Sigi is the Chairman of Diagnostic Products Corporation in Los Angeles. As we here in the Congress mark the annual Days of Remembrance in honor of the victims of Nazi terror, I am inserting the profile of Sigi Ziering from Fortune Magazine to be placed in the RECORD.

SIGI ZIERING, LOS ANGELES, CHAIRMAN, DIAGNOSTIC PRODUCTS CORP.

Holocaust survivors, the saying goes, are conditioned not to cry. But on May 8, 1997, when the founders of the Holocaust Memorial Museum met for a reunion—and when the flags of 32 U.S. Army divisions that had liberated the concentration camps were paraded into the rotunda of the U.S. Capitol—Sigi Ziering, today a serious, reflective man of 70, wept. He spoke of this moment in a speech: "Today I cried because the worst memory of the ghetto and the camps was the feeling of total isolation and total abandonment by the rest of the world. This feeling of utter despair and hopelessness weighed more heavily on us than the constant hunger, the beatings, and the imminent death facing us every minute." His tears, he said, were for the millions who never got to see the flags.

His own ordeal began in Kassel, Germany, where his father, a Polish citizen, was a clothing merchant. In 1939 the father fled to England, expecting his wife and two children—Sigi (then officially Siegfried), 11, and Herman, 12—to follow as soon as they, too, could get visas. Instead, they became trapped in Germany.

The three scraped by until late 1941, when the Germans summarily transported 1,000 Jews, the Zierings included, to Rigi, Latvia. Some of the adult men in the group were sent directly to a nearby death camp, and the rest of the Jews were installed in a ghetto bloodstained from murders just carried out. Of the entire 1,000, Sigi Ziering believes that only 16 survived the war, among them, besides himself, his mother and brother.

In Riga the boys actually went to school for a while. But their mother, wanting the Germans to think them useful, required them to drop out and work. Once Sigi had a plum job in a "fish hall," from which he was able to smuggle food back to the ghetto. As he sneaked in with the food, he would sometimes pass dead Jews who had been caught doing the same and been hanged in the streets as an example.

Toward war's end, with the Russians closing in on Riga, the Germans began to move their Jewish captives around. Ziering believes that the SS in fact connived to keep small groups of Jews alive, so that the need to guard them would keep the Germans from being sent to the front.

The Zierings were moved to a German prison, Fuhlsbüttel, on the outskirts of Hamburg. Prison living conditions were a distinct step up. But every week the Germans would load eight or ten Jews into a truck and transport them to Bergen-Belsen for elimination. "With German precision," says Ziering, the guards went at their job alphabetically—and never got to "Z."

British troops then closed off Bergen-Belsen, and the Germans marched their remaining Jews to a Kiel concentration camp, whose commandant's first words upon seeing them were: "I can't believe that Jews still exist." The camps grisly conditions killed 40 to 50 inmates daily. Another 35 males were murdered when they could not run a kilometer while carrying a heavy piece of wood. Sigi and his brother passed that test.

Then, as the Zierings heard the story, Count Folke Bernadotte of Sweden offered to pay Heinrich Himmler $5 million for 1,000 Jews. (Whether the Count indeed made this offer or paid the money is not clear.) A German officer told the Ziering boys, who believed it not at all, that they were to be included but were unpresentable in the striped clothing they wore. Sigi and his brother were taken to a mortuary, where they were directed to strip the clothes from the corpses that lay there and make them their own. And on May 1, 1945, Red Cross workers arrived to take the 1,000 to Sweden. The route lay through Copenhagen, and at its railroad station, the Jews heard excited shouts: "Hitler is dead."

As if he'd suddenly awakened from a nightmare of unimaginable horror, Sigi then entered into a world of near-normalcy for a 17-year-old. His family managed to reunite in London, where the father—"a fantastic businessman," says Sigi—was doing well as a diamond merchant. Sigi, a bare five years of elementary education behind him, entered a tutorial school and then the University of London. He wished to be a doctor but found that almost all medical school spots were reserved for war veterans—the kind who'd worn military insignia, not tattooted numbers.

Hunting opportunity, the Ziering family made it to the U.S. in 1949, settling in Brooklyn. Working part-time, Sigi earned a physics degree at Brooklyn College and then two advanced degrees at Syracuse University. In those college years, he met the woman he soon married, Marilyn Brisman. When they first met, she says, he was "quiet, sweet, introspective," and, with his blond hair, blue eyes, and accent, so resembled the archetype of a young German that she briefly thought him one.

Exiting academe in 1957, Ziering did nuclear-reactor work with Raytheon in Boston and then space projects at Allied Research. The entrepreneurial urge hit, and with a friend he started a company called Space Sciences to carry out cost-plus government contracts.

It was the heyday of avaricious conglomerates, and in 1968 Whittaker Corp. bought Space Sciences for about $1.8 million. That made Ziering, not yet 25 years removed from the terrifying alphabetical lock step of Fuhlsbüttel prison, well-to-do. But the deal also made him a California-based research executive restless in Whittaker's conglomerate culture.

He left and tried one entrepreneurial venture, the making of fishmeal, that failed. Then, in 1973, he heard by chance of a chemist working out of his Los Angeles kitchen, Robert Ban, who'd developed radioimmunoassay (RIA) diagnostic kits that permitted the measurement of infinitesimally low concentrations of substances—drugs and hormones, for example—in bodily fluids. Ban, a man with big ideas and a corporate name to match them, Diagnostic Products Corp., had been advertising in a professional journal that he had upwards of 30 different RIA kits available. Some of these, says Ziering, "do not exist to this day," but that was not known to the journal's readers, and sacks of orders—though only morsels of money—landed in Ban's kitchen.

Ziering, warmed to the gamble by his longstanding interest in medicine, put $50,000 into the business and moved the chemist into a small factory that mainly produced one kit of particular commercial value. The business took off. But the partners were not getting along. So Ziering bought the chemist out for $25,000 and settled back to working with a more compatible partner, his wife, who has throughout the years been a DPC marketing executive.

Today their company, competing with such giants as Abbott Laboratories, has more than 1,400 employees and is a leading manufacturer of both diagnostic kits and the analytical instruments needed to read their findings. The company had 1997 sales of $186 million and profits of $18 million. DPC went public in 1982, though Ziering wishes it hadn't—the company has never really needed the money it raised, and he doesn't like the volatility of the market or the second-guessing of analysts—and he, his wife, their two sons (both in the business), and two daughters own about 24% of its stock, currently worth about $95 million.

Through most of its years, DPC has done well internationally, a fact that has required Ziering and his wife to travel often to Germany. Yes, it bothers him to go back, but he thinks that his encounters with young Germans disturb them more than him. When they get a hint of how he spent the war, he says, "you can feel the static electricity in the air."

In his business, says Marilyn Ziering, her husband is patient and visionary, but also a risk taker when he needs to be. He himself says he's a workaholic and muses as to why. He wonders whether the "training" of the Holocaust—"unless you work, you are destined for the gas chamber"—may not have permanently bent him and many other survivors to work.

The license plate on Ziering's Jaguar reads "K9HORA." That's a rough phonetic rendition of kayn aynhoreh, a Yiddish expression meaning "ward off the evil eye." It is customarily tacked to the end of a thought, as a superstitious precaution.

For these five survivors, who picked themselves up from the worst and darkest of beginnings and triumphed in the best tradition of the American dream, we might say, for example: "Since the Holocaust, the lives of these men have been good—kayn aynhoreh."

Or we might stitch those words to a larger thought. Of the Holocaust, Jews and the world say, "Never again." In the histories of these five men, there is a ringing, opposite kind of message: "Ever again." Evil weighed down their early lives. But it did not—and cannot—crush the human spirit.

Kayn aynhoreh.

WORKERS MEMORIAL DAY: COMMUNITY SERVICE AWARD

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. FILNER. Mr. Speaker, I rise today to recognize the National Association of Letter Carriers Branch 70 and the San Diego Construction & Building Trades Council, as they are honored by the San Diego-Imperial Counties Labor Council, AFL–CIO for their contributions to the labor movement and to the community as a whole.

The Labor Council's "Community Service Award" again goes to the National Association of Letter Carriers Branch 70 for its sixth consecutive and most successful food drive in San Diego County. With the cooperation of the Postal Service, they collected 155,000 pounds of food for needy working families.

Also being honored is the San Diego Construction & Building Trades Council, which helped to bring into being a neighborhood computer lab—the International Learning Center—at the National City Park Apartments. The Construction and Building Trades Council took a leadership role in promoting this project and enlisted the help of local unions who gathered donations.

The computer center has a bank of personal computers that is available without cost to the adults and 800 children who live in this apartment complex. Many individuals who could not otherwise gain the computer skills they need to improve their education and job prospects will now be able to do do.

The National Association of Letter Carriers Branch 70 and the San Diego Construction & Building Trade Council are truly deserving of the award which they are receiving. I join in adding my sincere thanks to their members, and I am pleased to highlight their service with these comments in the House of Representatives.

WILLARD'S MOUNTAIN NSDAR CELEBRATES 100 YEARS OF PATRIOTISM

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. SOLOMON. Mr. Speaker, this May, the Willard's Mountain Chapter of the National Society of the Daughters of the American Revolution in my congressional district in upstate New York will celebrate its 100th Anniversary. For the past century, this organization has furthered the important American values of community pride and patriotism through their many civic activities and sponsorships.

I believe that promoting pride in our nation and its rich history is one of the most important endeavors we can undertake for our country and our fellow citizens, both living and deceased. It is especially crucial for our young people to develop these principles at an early age. This is why I have fought so hard to preserve the integrity of our flag through the prohibition of its desecration. Such treatment of the flag is a slap in the faces of all of the brave men and women who have dedicated and in some cases sacrificed their lives so that we may lead free and prosperous lives we now have in the United States. It also sends a dangerous signal to America's youth that it is appropriate to disrespect and discount devotion to one's community and country. This is simply unacceptable.

Mr. Speaker, the Daughters of the American Revolution have always fostered and preserved the very ideals of basic human freedom and loyalty to family, community, and nation which our flag symbolizes. I ask all members to join me in thanking and commending the Willard's Mountain Chapter of the NSDAR on behalf of all Americans, especially those in our local communities in upstate New York, for their impressive efforts over the years in ensuring that patriotism and pride in our nation will remain alive and well in America for many years to come!

HONORING VARIAN ASSOCIATES, INC.

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Ms. ESHOO. Mr. Speaker, I rise today to honor Varian Associates, Inc. upon their 50th anniversary of incorporation.

Varian Associates was formed by brothers Russell and Sigurd Varian, along with a number of associates from Stanford University. The company first opened its doors July 1, 1948, with just six employees and total capital of $22,000 to conduct general research in the field of physical science. Varian was one of the first companies to recognize the significance and importance of a strong industry-university connection, and encouraged the formation of Stanford Industrial Park, becoming its initial resident. Varian has grown from its modest beginnings into one of Silicon Valley's greatest success stories, winning over 10,000 patents, receiving countless Industrial Research 100 Awards, and continually producing one or more of our nation's 100 most promising new products yearly.

Varian has evolved into a world leader in its current line of business—health care systems, analytical instruments, and semiconductor manufacturing equipment. The company employs over 7,000 individuals at over 100 plants and offices in nine countries, and generates sales well in excess of one billion dollars annually. Since its inception, Varian has had a strong commitment to our community, exemplified by its establishment of our nation's second Minority Small Business Investment Company and its leadership role with the Urban Coalition on fair housing, among others. Varian was recognized by *Industry Week Magazine* as one of the World's 100 Best Managed Companies in 1997.

Over the last 50 years, Varian has become one of our nation's most successful companies. Varian is a jewel in the crown of the 14th Congressional District of California and Silicon Valley.

Mr. Speaker, I ask my colleagues to join me in celebrating the 50th anniversary of Varian's inception and in commending the company for its extraordinary achievements and its contributions to our nation.

TRIBUTE TO JACK TRAMIEL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. LANTOS. Mr. Speaker, today representatives of the Congress, the Administration, and the Supreme Court gathered in the Great Rotunda of this historic building for the National Civic Commemoration to remember the victims of the Holocaust. This annual national memorial service pay tribute to the six million Jews who died through senseless and systematic Nazi terror and brutality. At this somber commemoration, we also honored those heroic American and other Allied forces who liberated the Nazi concentration camps over half a century ago.

Mr. Speaker, this past week Fortune Magazine (April 13, 1998) devoted several pages to an article entitled "Everything in History was Against Them," which profiles five survivors of Nazi savagery who came to the United States penniless and built fortunes here in their adopted homeland. It is significant, Mr. Speaker, that four of these five are residents of my home state of California. Mr. Jack Tramiel of the San Francisco Bay Area, was one of the five that Fortune Magazine selected to highlight in this extraordinary article, and I want to pay tribute to him today.

Jack Tramiel, like the other four singled out by Fortune Magazine, has a unique story, but there are common threads to these five tales of personal success. The story of the penniless immigrant who succeeds in America is a familiar theme in our nation's lore, but these stories involve a degree of courage and determination unmatched in the most inspiring of Horatio Alger's stories.

These men were, in the words of author Carol J. Loomis, "Holocaust survivors in the most rigorous sense," they "actually experienced the most awful horrors of the Holocaust, enduring a Nazi death camp or a concentration camp or one of the ghettos that were essentially holding pens for those camps."

They picked themselves up "from the very cruelest of circumstances, they traveled to America and prospered as businessmen. They did it, to borrow a phrase from Elie Wiesel, when everything in history was against them." They were teenagers or younger when World War II began. They lost six years of their youth and six years of education. "they were deprived of liberty and shorn of dignity. All lost relatives, and most lost one or both parents. Each . . . was forced to live constantly with the threat of death and the knowledge that next time he might be 'thumbed' not into a line of prisoners allowed to live, but into another line headed for the gas chambers." Through luck and the sheer will to survive, these were some of the very fortunate who lived to tell the story of that horror.

The second part of their stories is also similar—a variant of the American dream. These courageous men came to the United States with "little English and less money." Despite their lack of friends and mentors, they found the drive to succeed. As Loomis notes, "many millions who were unencumbered by the heavy, exhausting baggage of the Holocaust had the same opportunities and never reached out of seize them as these men did." Their success in view of the immense obstacles that impeded their path makes their stories all the more remarkable.

One other element that is also common to these five outstanding business leaders—they are "Founders" of the U.S. Holocaust Memorial Museum here in Washington, D.C. They have shown a strong commitment to remembering the brutal horrors of the Holocaust, paying honor to its victims, and working to prevent the repetition of this vicious inhumanity.

Mr. Speaker, Jack Tramiel is one of the five Holocaust survivors and leading American entrepreneurs highlighted in this article. Jack began as a typewriter repairman and moved on to establish his own firm, Commodore, which initially manufactured typewriters and adding machines. In 1976 he moved into the field of computers and took Commodore to $700 million in sales in 1983. As we here in the Congress mark the annual Days of Remembrance in honor of the victims of Nazi terror, I am inserting the profile of Jack Tramiel from Fortune Magazine be placed in the RECORD.

JACK TRAMIEL—SILICON VALLEY FOUNDER, COMMODORE INTL.

Only 10 when the Nazis marched into his city of Lodz, Poland, in 1939, Jack Tramiel (then named Idek Tramielski) initially had a kid's thrilled reaction to the sheer spectacle of the scene: weapons glinting in the sun, soldiers goose-stepping, planes overhead. "It was a fantastic thing," he remembers.

Reality crashed down after that. Lodz's Jews—one-third of the city's 600,000 people—were ordered out of their homes and into a crowded ghetto. For nearly five years Jack (an only child) and his parents lived there in one room, scavenged for food, and worked—his father at shoemaking, Jack in a pants factory. The faces that the Tramiels saw in the ghetto changed constantly: Jews left, new Jews came in, often from other countries. Later Tramiel learned that the Jewish leader of the ghetto was parceling out its residents to the Germans, believing that the community would be left in relative peace as long as he periodically delivered up a contingent of its residents for deportation—and no doubt extermination.

In August 1944 the Tramiels themselves were herded into railroad cars, told they were going to Germany to better themselves, and instead shipped to Auschwitz. Jack's most vivid memory of the three-day trip is that each person received a whole loaf of bread as a ration—a feast beyond his imagination. At journey's end, the men were separated from the women (at which point Jack lost track of his mother) and then themselves split into two groups, one permitted for the time being to live, the other sent to Auschwitz's gas chambers. Jack and his father were thumbed into the group that survived.

A few weeks later, Jack and his father were "examined" by the notorious Dr. Josef Mengele and thumbed again into a survivors line. "What do you mean—examine?" Tramiel is asked. "He touched my testicles. He judged whether we were strong enough to work." Having passed, Tramiel and his father were transported to a spot just outside Hanover, Germany, and there set to building a concentration camp into whose barracks they themselves moved. In weather that was often bitter cold, they worked in thin, pajama-like garments, and they grew increasingly emaciated on a deprivation diet: watery "soup" and bread in the morning, and a potato, bread, and more "soup" at night.

By December 1944 the Tramiels were assigned to different work crews and seeing each other only occasionally. At one of their meetings the father told the son that many young people in the camp were managing to smuggle food to their elders—and why hadn't Jack done that for his father? Stung, Jack studied for days how to deal with an electric fence that stood between him and an SS kitchen and finally succeeded in burrowing his thin frame under it to steal food—one potato and some peels. But when he got the food to his father, malnutrition had gripped the older man and grossly swollen his body. He could not eat. Soon after, he died in the camp's infirmary. Later, Jack learned that the death was directly caused by an injection of gasoline into his father's veins.

As the winter stretched into the spring of 1945, Jack Tramiel himself grew increasingly fatalistic. But then a strange end-of-the-war tableau unfolded. First, the Germans vanished from the camp; second, the Red Cross moved in briefly, overfed the prisoners to the point that some died, and then left; third, the Germans returned and then vanished again. On their heels came two American soldiers—"20-foot-tall black men, the first blacks I'd ever seen," says Tramiel—who loomed in a barracks door, peered at the prisoners hiding beneath the straw of their bunks, said something in English that one Jew gleaned as "More Americans will be coming," and left. Next a tank rolled up. In it stood a Jewish chaplain in dress uniform, who declared in Yiddish: "You are free," and told the tank to move on. These were troops of the advancing American Army, the month was April 1945, and Tramiel was 16.

Tramiel, today 69 and a fireplug in build, stayed in Europe for more than two years after his liberation, and many of his recollections of those days concern food: how he tricked his way into a sanitarium to a rich, and shamefully fattening, diet; how he gorged happily while working in an American Army kitchen; how he did other odd jobs for "money or food." But he also learned during this time that his mother was alive and back again in Lodz. He saw her there but then left, resolved by that time to marry a concentration-camp survivor he'd met, Helen Goldgrub, and go with her to the U.S.

The two wed in Germany in July 1947. They got to the U.S. separately, though—he first, in November of that year. His confidence, strengthened by what he'd survived, bordered on hubris: "I figured I could handle just about anything," he says. He started out living at a Jewish agency, HIAS, in New York City; got a job as a handyman at a Fifth Avenue lamp store; learned English from American movies; and at their end pigged out on chocolate instead of eating regular dinners.

Then, in early 1948, he did the improbable, joining the U.S. Army. By the time he left it four years later, he'd been reunited with his wife and fathered a son (the first of three). The Army had also pointed him to a career by putting him in charge of repairing office equipment in the New York City area.

When Tramiel checked back into civilian life, he entered a long period of close encounters with machines that typed words and manipulated numbers. He first worked, at $50 a week, for a struggling typewriter-repair shop. Using his Army connections, Tramiel got the owner a contract to service several thousand machines. "The guy flipped," says Tramiel, but did not give his enterprising employee a raise. "I have no intention of working for people who have no brains," said Tramiel to the owner, and quit.

Tramiel then bought a typewriter shop in the Bronx. He did repair work for Fordham University and, when he once got a chance to buy scads of used typewriters, rebuilt and resold them. He next prepared to import machines from Italy, but found he could get the import exclusivity he wanted only by moving to Canada. It was in Toronto, in 1955, that he founded a company he called Commodore, an importer and eventually a manufacturer of both typewriters and adding machines. Why Commodore? Because Tramiel wanted a name with a military ring and because higher ranks, such as General and Admiral, were already taken.

Commodore went public in 1962 at a Canadian bargain-basement price of $2.50 a share—a deal that raised funds Tramiel needed to pay off big loans he'd gotten from a Canadian financier named C. Powell Morgan, head of Atlantic Acceptance. Deep trouble erupted in the mid-1960s when Atlantic, to which Commodore was almost joined at the hip, went bankrupt, amid charges of fraudulent financial statements, dummy companies, and propped stock prices. Tramiel was never charged with illegalities, but an investigative commission concluded that he was probably not blameless. In any case, the Canadian financial establishment ostracized him. Struggling to keep Commodore itself out of bankruptcy, he was forced in 1966 to give partial control of the company to Canadian investor Irving Gould.

Commodore's line then was still typewriters and adding machines, but the electronics revolution was under way and setting up shop in Silicon Valley. Tramiel himself moved there in the late 1960s and soon, displaying a speed-to-market talent that has characterized his whole life, had Commodore pumping out electronic calculators. In time, one product, a hand-held calculator, grew so popular that it was self-destructive: The company that supplied Commodore with semiconductor chips, Texas Instruments, decided to produce calculators itself—selling them at prices that Commodore couldn't match.

With Commodore again reeling, Tramiel vowed never again to be at the mercy of a vital supplier. In 1976 he made a momentous acquisition: MOS Technology, a Pennsylvania chip manufacturer that also turned out to be extravagantly nurturing about 200 different R&D projects. Tramiel, a slash-and-burn, early-day Al Dunlap in management style, killed most of the projects immediately. But he listened hard when an engineer named Chuck Peddle told him the company had a chip that was effectively a microcomputer. And small computers, said Peddle, "are going to be the future of the world."

Willing to take a limited gamble, Tramiel told Peddle that he and Tramiel's second son, Leonard, then getting a Columbia University astrophysics degree, had six months to come up with a computer Commodore could display at an upcoming Comdex electronics show. They made the deadline. "And

everyone loved the product," says Tramiel, relishingly rolling out its name, PET, for Personal Electronic Transactor. Unfortunately, this was potentially an expensive pet, carrying a lot of risk—and demanding, says Tramiel, "a lot of money I still did not have." So he determined to gauge demand by running newspaper ads that offered six-week delivery on a computer priced at $599, a seductive figure on which Tramiel thought he could still make a profit. The ads appeared, and a hugely encouraging $3 million in checks came back.

Commodore got to the market with its computer in 1977, in the same year that Apple and Tandy put their micros on sale. In the next few years, Tramiel drove those competitors and others wild by combatively pushing prices down and down, to levels like $200. He also became famous for rough treatment of suppliers, customers, and executives—and about it all was fiercely unrepentant. "Business is war," he said. "I don't believe in compromising. I believe in winning."

Which is what he did in those early years for computers, leading Commodore to $700 million in sales in fiscal 1983 and $88 million in profits. At its peak price in those days, the stock that Tramiel had sold in 1962 at a price of $2.50 a share was up to $1,200, and his 6.5% slice of the company was worth $120 million.

But then, in early 1984, just as annual sales were climbing above $1 billion, Tramiel clashed with a Commodore stockholder mightier than he, Irving Gould—and when the smoke had cleared, Tramiel was out. The nature of their quarrel was never publicly disclosed. Today, however, Tramiel says he wanted to "grow" the comapny, and Gould didn't.

Commodore was really Tramiel's last hurrah. True, he surfaced again quickly in the computer industry, agreeing later in 1984 to take over—for a pittance—Warner Communications' foundering Atari operation. But in a business changing convulsively as IBM brought out its PC and the clones marched in, Atari was a loser and ultimately a venture into which Tramiel was unwilling to sink big money. Eventually he folded Atari into a Silicon Valley disk-drive manufacturer, KTS, in which he has a major interest but plays no operational role.

Today Tramiel is basically retired and managing his money. From four residences, he's cut down to one, a palatial house atop a foothill in Monte Sereno, Calif. In its garage are two Rolls-Royces, a type of luxury to which Tramiel has long been addicted.

Naturally, charity fundraisers took Tramiel up. When those for the Holocaust Memorial Museum appeared, he at first thought of it as just one more philanthropic cause to be supported. But his wife, Helen, 69, who spent her concentration camp days at Bergen-Belsen, is intensely aware that both she and her husband survived what millions of other Jews did not. "No," she said adamantly, "for this one we have to go all out."

INTRODUCTION OF POSTAL SERVICE SAFETY AND HEALTH PROMOTION ACT

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. GREENWOOD. Mr. Speaker, today I am introducing legislation to treat the U.S. Postal Service the same as any private employer under the Occupational Safety and Health Act.

The fact that the Postal Service has not been covered by the Occupational Safety and Health Act in the same way as private employers—including private employers with whom the Postal Service directly competes for business—is apparently due to the fact that both the Occupational Safety and Health Act and the Postal Reorganization Act were being considered at the same time by Congress, in 1970. In any event, the Postal Service, although it is now "an independent establishment of the Executive Branch of the Government of the United States" is considered a "federal agency" for purposes of the Occupational Safety and Health Act.

As a "federal agency," under Section 19 of the Occupational Safety and Health Act, and Executive Order 12196, the Postal Service is supposed to comply with OSHA standards, but it is not subject to OSHA enforcement as are private employers. Instead, the Department of Labor is authorized under Executive Order 12196 to conduct inspections of agency workplaces "when the Secretary [of Labor] determines necessary if an agency does not have occupational safety and health committees; or in response to reports of unsafe or unhealthful working conditions, upon request of occupational safety and health committees . . .; or, in the case of a report of an imminent danger, when such a committee has not responded to an employee who has alleged to it that the agency has not adequately responded to a report." In such cases, the Department of Labor is required to follow up its inspection with a report to the head of the agency. In addition, under the executive order, the Secretary of Labor submits an annual report to the President on each federal agency's workplace safety and health performance. However, neither the Department of Labor nor the state agencies which enforce OSHA requirements in 23 states have the legal authority to require the Postal Service to comply with OSHA requirements, or to issue citations or penalties against the Postal Service for violations of OSHA requirements.

As my colleagues may know, I have been working for some time on much needed reforms of the workers compensation system for federal employees, known as the Federal Employees Compensation Act, or FECA, which is also the workers compensation program which covers Postal Service employees. The present program is expensive, has not been updated for years, continues to be afflicted by cases of fraud and abuse, and in many cases discourages employees' return to work. Measured by either total compensation costs or number of claims, Postal Service employees comprise one of the largest components of FECA.

During a hearing held on the FECA program on March 24 by the Workforce Protections Subcommittee, a representative of the American Postal Workers Union claimed that "[in] our experience, the federal government's workplace safety and health program remains inadequate and deficient, and this is where the greatest savings could and should be achieved in the costs associated with workers injured on the job in the line of duty."

While I certainly do not share the view that the only problem with the FECA program is the lack of effort by the Postal Service or federal agencies generally to seriously address workplace hazards in order to prevent workplace injuries, it does seem to me reasonable and appropriate to provide assurance that in addressing FECA we are not ignoring the issue of workplace safety. Nor does it seem unreasonable to me that the Postal Service, which increasingly competes directly with private companies, should do so "on a level playing field" with regard to OSHA regulation and enforcement.

So for both of these reasons I am introducing legislation to treat the Postal Service the same as private employers for purposes of the Occupational Safety and Health Act. Under the bill, the Postal Service would be subject to inspection, citation, and penalty by OSHA and approved state OSHA programs. I invite my colleagues to cosponsor this legislation, and I look forward to working with my colleagues in order to pass this legislation during this Congress.

W. STANLEY GARNER HONORED

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. MALONEY of Connecticut. Mr. Speaker, I want to bring to the attention of the House of Representatives and the American people the celebration of an individual in Connecticut's 5th Congressional District to be held this Saturday, April 25th, and the many accomplishments of Mr. W. Stanley Garner of New Fairfield, Connecticut. Family, friends and associates of Mr. Garner will gather at the new Fairfield Senior Center to honor him for his personal contributions to the Public Library and the community at large.

Born in New Fairfield on January 9, 1923, Mr. Garner involved himself in community affairs as a young man, and was an avid user of the New Fairfield Free Public Library when it was simply a corner room in the small town hall building before World War II. In 1967, Mr. Garner became Trustee of that library and served in that capacity for more than 20 years, a longer continuous tenure than anyone else.

During these twenty plus years, and since, Mr. Garner has been at the forefront of all the Library's construction projects and was primarily responsible for the establishment of the town's Children's Library. He served on the Building Committee for the present Town Library, built in 1975, as well as on the Building Committees for the addition to the New Fairfield Middle School, the Fire House and the town Police Station.

Mr. Garner's reputation as a builder in the area is outstanding, having been responsible for the construction of hundreds of homes in the area, as well as several public facilities including the Parish House of St. Edward's Church and its adjacent Sullivan Home. He was also a long time member of the Board of Directors of the Union Savings Bank in New Fairfield.

Throughout his life, Mr. Garner has given a level of public service that few achieve. He continues to serve today as an example of the

type of service and dedication that all of us should follow. Despite his level of involvement, however, Mr. Garner has never allowed his outside activities to overshadow the importance of his family. This October 28th, Stan and Aileen Pulver Garner will celebrate their 48th wedding anniversary with their two sons.

Mr. Speaker, on behalf of Connecticut's 5th Congressional District, and this House, I want to congratulate Mr. Stanley Garner on his lifelong achievements and thank him for his service and dedication to New Fairfield, its institutions and citizens.

RECOGNIZING COLORADO'S FRONT RANGE CONTINUUM OF CARE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to speak about a citizen coalition known as Colorado's Northern Front Range Continuum of Care, whom I recently met with in my Fort Collins office to learn of their assessment of the community's need for affordable housing, transitional housing, group homes and homeless services. The Continuum of Care is comprised of over 125 individuals representing various community organizations including Alternatives to Violence, American Red Cross, Catholic Charities-Northern, House of Neighborly Service, WIRS, A Woman's Place, Weld Food Bank, Greeley Interfaith, Right to Read, Cities of Greeley, Loveland, and Fort Collins, Neighbor to Neighbor, Fort Collins Authority, Larimer County Mental Health, Larimer County Department of Human Services, Loveland Housing Authority, Crossroads Safehouse, Crossroads Ministry, Colorado Division of Housing, Ft. Lupton Housing Authority, Greeley Housing Authority, Greeley Transitional House, United Way of Weld County, Greeley Area Habitat for Humanity, CARE Housing, and Funding Partners.

Continuum of Care was formed for the purpose of inventorying existing local resources in the community, and to identify gaps in housing and service delivery for special populations. The assessments were achieved through the participation of these representatives who developed this analysis bringing their particular community experiences to the table.

The following facts were established concerning the value of the Low-Income Housing Tax Credit:

H.R. 2900 would increase the Low-Income Housing Tax Credits to $1.75 per capita and index the cap to inflation.

The current cap is severely limiting the state's capacity to help the thousands of lower wage families from renting decent, safe and affordable housing.

In 1996, Colorado was allocated $4.5 million in housing tax credits but the demand far exceeded this allocation with requests totaling $15.3 million.

The Low-Income Tax Credit is a federal tax credit to investors for ten years for up to 9% of their cost of constructing or rehabilitating apartments dedicated to lower-wage working families at restricted rents.

Since 1987, the housing tax credit has helped develop over 7,692 units of affordable housing in 40 counties in Colorado.

During that same time period in Larimer and Weld Counties, funds totaling $4,525,677 were allocated, providing 1,183 new housing units.

Facts were also presented in support of Private Activity Bonds:

H.R. 979 increases the Private Activity Bond (PAB) cap from $50 to $75 per capita and index the cap to inflation.

This legislation will stimulate job creation, the production of affordable housing, industrial development, environmental cleanup and higher education in Colorado.

Currently the cap is the greater of $50 per capita or $150 million per state per year. This computes to about $200 million annually in Colorado.

Annually, this cap is used-up completely. Demand exceeds supply by four-to-one.

In the last two years, over $414 million of private activity bond authority yielded a significant positive economic impact for Colorado.

Over $336 million in tax exempt bond financing for affordable housing for our bluecollar work force funded new home ownership and rental opportunities.

$41 million of financing for industrial development (manufacturing facilities) and agricultural loans.

$37 million in student loans to college students.

Also brought to my attention is the fact that the Federal Department of Housing and Urban Development (HUD) is spending less money on transitional housing and more on emergency shelters for the homeless. Transitional housing is designed to house women and children on a temporary basis when they leave an abusive environment and need a safe place to live while transitioning to a new home and life.

Statistics prove that affordable housing is very limited. For example, in Weld County, the median home price in 1990 was $68,118, climbing to $123,868 in 1996—an 84% increase. Rental rates climbed during the same period at 43%, going from $357 to $511, while vacancy rates remainded low. During the same time, job growth jumped up 31.7%, but most of the new jobs were created in low-paying service and retail sectors. With average median family income rising only by 35%, housing is unattainable for many.

It was my concern over the lack of affordable housing that inspired me to co-sponsor H.R. 2990, amending the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated to each State, and to index such amount for inflation; and H.R. 979 (Private Activity Bonds), which will increase the cap and help alleviate the pressure on our housing market. Sister Mary Alice Murphy described the housing assistance credit as having a positive impact on the community. Additionally, I remain firmly committed to eliminating the numerous federally mandated regulations which drive up the cost of building homes and those which dictate how a community administers their programs. I am pleased to carry the message for more affordable and available housing to my colleagues for this problem affects not only the people of Colorado's Fourth Congressional District, but also people nationwide.

TRIBUTE TO CHESTERFIELD SMITH, ESQ., ON THE DEDICATION OF THE CHESTERFIELD SMITH CENTER FOR EQUAL JUSTICE

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mrs. MEEK of Florida. Mr. Speaker, it is indeed a distinct honor to pay tribute to one of Miami-Dade's unsung heroes, Attorney Chesterfield Smith. The dedication of the Chesterfield Smith Center for Equal Justice on April 23, 1998 is a well-deserved honor.

Attorney Smith represents the best of our community. Having dedicated a major portion of his life to making the justice system work on behalf of the less fortunate in Miami-Dade, he was relentless in his development of probono legal services program that responded to the crying needs of our community's poor. His was a crusade that maximized understanding and compassion for countless destitute who severely lack the financial wherewithal to have their cases move up through the maze of the legal system.

Under his leadership many lives have been saved and countless families have been rendered whole because of the poor's accessibility to pro-bono legal services. He was virtually the lone voice in the wilderness in exposing his righteous indignation over the hopelessness of countless individuals who through the various crises of poverty rendered them helpless before the legal system. At the same time, he has been forthright and forceful in advocating the tenets of equal treatment under the law for the poor who have been remanded to the complex proceedings of the court system. His sensitivity toward them knew no bounds, and he was likewise untiring in seeking the appropriate guidance and counseling strategies for them.

In an April 5, 1998 Miami Herald write-up, Attorney Smith was genuinely lauded as a community leader whose "* * * life serves as an example of how much difference each of us can make in behalf of the less fortunate." Singlehandledly he has championed a career-long commitment to free legal services to the poor.

In his stint on the prestigious Holland & Knight law firm, Attorney Smith truly represents an exemplary community servant who abides by the dictum that those who have less in life through no fault of their own should somehow be lifted up by those who have been blessed with life's greater amenities. As a gadfly among South Florida's law firms, he is wont to prod his colleagues toward the support of the Legal Services of Greater Miami to provide a more hopeful life for our community's poor.

As one of those hardy spirits who chose to reach out to those living in public housing projects, Attorney Smith thoroughly understood the accouterments of power and leadership. He sagely exercised them alongside the mandate of his conviction and the wisdom of his knowledge, focusing his energies to enhance the well-being of a community he learned to love and care for so deeply.

His undaunted efforts in the legal system through his tenure as President of the American Bar Association helped shape and form the agenda of many legal organizations. His word is his bond to those who dealt with him, not only in moments of triumphal exuberance in helping many of the poor turn their lives around, but also in his resilient quest to transform Miami-Dade county into a veritable mosaic of vibrant cultures and diverse peoples converging together into this great experiment that is America.

Numerous accolades with which various organizations have honored him symbolize the unequivocal testimony of the utmost respect and admiration he enjoys from our community. Attorney Chesterfield Smith, lawyer par excellence, truly exemplifies a one-of-a-kind leadership whose courage and resilient spirit genuinely dignifies the role of a community servant.

Today's dedication is genuinely deserved! I truly salute him on behalf of a grateful community.

TRIBUTE TO KATE McLEAN

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. GALLEGLY. Mr. Speaker, I would like to pay tribute today to a woman who has made her mission in life to help our society's most vulnerable find some sort of warmth in a world that can often be so cold. Kate McLean of Ventura, California, is an extraordinary person who has touched the lives of thousands, leading the charge of a successful organization which has been the saving grace to many in her community.

It's easy to look into the eyes of those in need, and feel sympathy. But for many, it's even easier to look away and forget about the unexpected harsh realities life brings. But when Kate McLean saw a person in need, a living tragedy, she didn't look away, but instead helped them look towards their future. Kate did more than recognize the social ills that so often ruin lives. Instead of extending fleeting sympathy, Kate McLean actually made a difference—a difference in the lives of the abandoned and the abused. She has helped the homeless find shelter and runaways find refuge and understanding.

Kate has achieved these and countless other compassionate deeds through an organization called Interface Children Family Services, a non-profit which she co-founded. To name just a few of their services, this organization offers assistance to families in crises, a 24-hour hotline for troubled teens, and shelters for battered women and their children. Under Kate McLean, hundreds of thousands of children and families have been helped at Interface from 1973 to 1990. Today, Interface Children Family Services continues to aid those in crisis situations, expanding on the foundation Kate McLean helped to start.

After Kate left Interface in 1990, she took her vast experiences to help the Ventura County Community Foundation, which under her supervision, increased Ventura County's endowed resources for charities from $300,000 to more than $16 million.

April 24, 1998 marks the 25th anniversary of the Interface Children Family Services. On this special occasion I want to recognize Kate McLean as a shining example, and to thank her for doing what others may have the yearning to do, but not the ambition. I want to thank Kate McLean for being such a vital part to the Ventura County Community, and for being our angel of hope.

EARTH DAY

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. HILLIARD. Mr. Speaker, I stand before you on this Earth Day to commend our nation on how we have left a legacy to our children by protecting the natural resources of our national parks, wildlife refuges and national forests. However, it is just as important for us to double our efforts to protect the habitat of our urban areas.

I feel strongly that the children of our cities also deserve to breathe cleaner air, and have green fields to play on as they mature under the blue skies of Alabama.

I am proud that our nation has made tremendous progress over the past 25 years in the area of environmental management. Our rivers and lakes in which our children fish, swim and boat are significantly cleaner; the air in which we breathe is improved and tremendous progress has been made in cleaning up our toxic waste sites, but we must concentrate more efforts for the children of our cities.

I am fighting for an approach to the environment that is based on reason, balance, and moderation . . . one that recognizes that it is not a question of whether we can afford to protect the environment, but whether we can afford not to protect it.

NEW CREATIONS BOARDING SCHOOL, RICHMOND, IN

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. McINTOSH. Mr. Speaker, I would like to share an inspiring story with my colleagues and the American people about a husband and wife team who have built New Creations Boarding School, in Richmond Indiana. Pastor Tim Cummings, being full of compassion for troubled teenagers, reached out and met the needs of those in Wayne County. Tim has been fully supported by his wife Bonnie, who has been an invaluable partner in his work. New Creations Boarding School is Biblically focussed and many student's lives have been changed through the teachings of the Bible. The Cummings have made a difference by showing that if individuals work hard and show kindness they can do good things. These qualities are needed in our communities and the Cummings are an excellent example for others to follow. In short, work hard, be kind to others and help your neighbor if you can. Well Done, Pastor Tim and Bonnie. May God Bless you in all your future endeavors.

SPEECH TO HORATIO ALGER SCHOLARS NATIONAL SCHOLARS CONFERENCE

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. LAMPSON. Mr. Speaker, to all of you who are here today because you have been selected to participate in the 1998 Horatio Alger Association's National Scholars Conference, I would like to say welcome. As I am sure you have already learned, you have joined a very exclusive club of achievers who have been recognized by that fine organization.

I am proud to note that several Members of Congress have been honored as distinguished Americans by the association such as Senator ROBERT BYRD of West Virginia and other great American's like the late Supreme Court Justice Thurgood Marshall. But I am particularly proud that one of my constituents and friends, Tom Harken, serves on the association's Board of Directors. If each of you have not had the opportunity to meet this man make sure you do so. Especially if you plan on being in business. He is truly a Horatio Alger success story.

Because each of you are exemplary high school seniors who have demonstrated outstanding qualities of honor, integrity and perseverance and did not allow life's obstacles to stop you, I would like to say "congratulations" and to tell how proud I am of you. I would also like to tell you that with your distinct honor, not only comes the $5,000.00 scholarship you are receiving (although that is awfully nice), but also a responsibility to your own success and to keeping the dream of success alive for other young people who need to know that they too can "beat the odds" in spite of the hardships that they face.

Today, as I speak to you on "Issues Facing Congress: A Congressman's Perspective," I would like to take you back to the first time that I stood in this chamber, when I was your age, and how it shapes my perspective today and how I hope that your visit today will shape your vision for tomorrow.

My first visit to Congress truly helped me understand that one of the greatest issues facing any session of Congress is how we keep the American dream alive for you and every other citizen of the United States, regardless of their financial, ethnic or religious background. This is done in many ways, but I'll come back to that later.

Allow me to share with you how my first visit to this chamber gave me a glimpse of that dream of success and how that glimpse was the start of my commitment to making a real difference for myself and others.

I hope you'll forgive me for being so personal, but I know that among you are people who can really make a difference, and I don't want to waste this opportunity to share my experience with tomorrow's leaders.

When I first came to this chamber, I was very close to your age. I was not rich. In fact

it seems as though I had worked almost every day of my life since I was in Junior High School. At that time, Jack Brooks was Congressman. Because he had come to this office by overcoming financial and personal adversity as a young person, he made sure that young people such as myself got the opportunity to be here as Congressional interns so that we could catch a glimpse of the dream and carry it on to another generation. It was during that internship that I committed myself not only to personal achievement but to leadership as well.

As I said, one of the main issues facing Congress is how to provide the opportunity and tools necessary for every young person to not only succeed but to excel. I am attempting to do this in a number of ways that I think are extremely important.

First, as a freshman Member of Congress, I have founded the Congressional Caucus for Missing and Exploited children. The purpose of this caucus is:

1. To build awareness around the issue of missing and exploited children for the purpose of finding children who are currently missing and to prevent future abductions;

2. To crease a voice within Congress on the issue of missing and exploited children and introduce legislation that would strengthen law enforcement, community organizing and school-based efforts to address child abduction; and

3. To identify ways to work effectively in our districts to address child abduction. By developing cooperative efforts that involve police departments, educators, and community groups we can heighten awareness of the issue and pool resources for the purpose of solving outstanding cases and preventing future abductions.

Additionally, I strongly support funding for higher education both in institutional funding and in the form of grants and loans for those whose families do not have the resources to provide them with a college education.

I have the privilege of serving on two Committees in Congress. The Committee on Science, on which I serve on the Subcommittee on Space and Aeronautics which is responsible for NASA and all of it's programs, including the space shuttle and the international space station. I must say that I truly believe that the space program can do more to make the dream available to more people in more ways than any other single endeavor.

Additionally, I serve on the Committee on Transportation where I serve on two Subcommittees; the Subcommittee on Water Resources and Environment and the Subcommittee on Public Buildings and Economic Development. On each of these Committees, I have the opportunity to cast my vote in favor of the youth of today and the leaders of tomorrow.

But probably the most important thing that I have the privilege of doing as a Congressman is to stand before a group of outstanding young people, such as yourselves, and say to you, do not quit, do not waiver and do not flinch no matter how tough the road may be. You have already proven that you are not easily discouraged. But I also want to challenge you to bring others along with you and show them the dream, so that when all is said and done, it is my hope that one day you will be standing here speaking to a group of Horatio Alger Scholars. Then I will know that my time in Congress was well spent.

IN RECOGNITION OF MS. AMI KARLAGE

HON. JIM BUNNING

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. BUNNING. Mr. Speaker, I just wanted to take a few minutes to recognize an outstanding achievement by a young high school student from Kentucky.

Ms. Ami Karlage of Edgewood, in my congressional district, recently won a 1998 Voice of Democracy broadcast scriptwriting contest for Kentucky as sponsored by the Veterans of Foreign Wars. I have attached a copy of her winning essay for all to read.

Ms. Karlage is a junior at Holmes High School and is one of only 54 national winners. She was sponsored by VFW Post 6095 of Latonia, and I understand she is planning on becoming a geneticist one day. Given the intelligence she shows in her essay, I expect that she will eventually accomplish whatever she sets her mind to.

I am proud of Ms. Karlage, and I commend my colleagues' attention to her essay about the importance of principle and standing up for one's beliefs. They are time-honored lessons we should never forget.

"MY VOICE IN OUR DEMOCRACY"

(By Ami Karlage)

". . . Give me liberty or give me death!"

—*Patrick Henry*

"Join the union, girls, and together say Equal Pay for Equal Work".

—*Susan B. Anthony*

"I am in earnest—I will not equivocate—I will not excuse—I will not retreat a single inch; and I will be heard!"

—*William Lloyd Garrison*

These famous words ring throughout our country like the echoes of silent bells. Voices, unused in generations, can be heard today, still urging us to fight for what is good, to stand up for what we believe. These voices created and preserved our democracy, and they resound in our memories, a symphony of noble and pure ideas. Yet, added to this harmonious music of the past is a cacophony of voices belonging to the present: millions of people, each shouting his or her own opinions with little or no regard for anyone else's thoughts. Amidst all this turmoil, how can my voice be heard? How can my voice make a difference?

In todays' democracy, many cynical, disillusioned people would tell you that it's not worth shouting to be heard, it's not worth standing up for what you believe. Because no one listens, no one cares. I cannot believe that. Too many problems in the past have been corrected because one person dared to speak out against them. America won its independence because one person had the courage to challenge British rule. The rallying cry of "No taxation without representation" swept a nation of diverse peoples and fractured opinions and united a majority of the population to work towards a common goal. Women won the right to vote because one person refused to be silent. The writings and speeches of Susan B. Anthony sparked reforms in women's dress, social freedoms, and ultimately, constitutional rights in a time of heightened civil turbulence. Slavery was abolished because one person proclaimed it unjust. The accomplishments of William Lloyd Garrison and other abolitionists, such as Frederick Douglas and Sojourner Truth, resulted in the thirteenth amendment to the Constitution, which effectively outlawed slavery. Each of these controversies were important developments in our nation's growth, and each of them began with a single person who persisted until another person listened . . . and another . . . and another, until that first person was shouting with the multitude instead of against it.

If I want my voice to be heard, I have to ignore the cynics. I have to shout against the millions. I have to call out incessantly. I have to refuse to be silent, in the hopes that one person might take note of my cry. If I influence just one other person, then my voice has been heard. If I cause that person to examine or change his or her views, then my voice has made a difference. My voice is not the voice of the millions, nor does it have to be. My voice in democracy is just that: My voice, shouting against the crowd, so that I might be heard.

And today, there are so many more ways in which my voice can be heard. 150 years ago, communication was limited to the written word, in the form of newspapers and pamphlets, and the spoken word. As a student living in this day and age, I have the technology to reach many, many more people. for example, I have television. through television, I can make my voice heard across the nation, simultaneously; whereas, it was nearly impossible for an abolitionist or a suffragette to achieve the same effect. I also have the internet, which is growing daily, and radio, which reaches a large percentage of the population. On a local level, I have service groups, a school newspaper, clubs and other organizations, all designed to give me a forum to voice my opinions and to allow my voice to be heard. How much faster could Patrick Henry have inflamed a nation, had he been able to use the present day media?

Each of those historic, echoing voices belonged to an individual who felt the need to speak out against injustice, to better the world in which he or she lived. And even as a tempest begins with a single drop of rain, so did the American Revolution, the Women's Suffrage Movement, and the Abolitionist Movement begin with a single thought, a single voice shouting among millions of others. If our country could be so drastically influenced by just one person in the past, there is no reason that it cannot be just as affected by my voice in the present.

IN MEMORY OF PAMELA MAY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. SKELTON. Mr. Speaker, it is with great sadness that I take this opportunity to pay tribute to an outstanding public servant and teacher, Pamela May, who recently passed away at the age of 44.

Pam May, who was born August 4, 1953, in Nevada, MO, dedicated her life to public service and education. In 1997, she was appointed

the Camden County auditor by Gov. Mel Carnahan, and from 1992 to 1997 Pam served as the Camdenton Third Ward Alderman. She also served as a Camden County Commissioner.

Mrs. May also served on the Child Advocacy Council, the Citizens Advisory Committee for the Camden County Jail, and the Governor's Total Transportation Committee. She was a member of the Camdenton Rotary Club and was former president of the Camdenton Chamber of Commerce.

In addition to her public service contributions, Pam May devoted her life to teaching Missouri youngsters. She was a teacher for 10 years in the Camdenton School District, and she began working in the Parents as Teachers program in 1986–87. She was also a part-time teacher in the Lake Area Vocational School's Child Care Management program. Mrs. May later became child care coordinator for the Camdenton R–3 School District, and wrote a grant to open the district's child care center.

Pam May is survived by her husband, Ralph, two sons, a daughter, her parents, a brother, and two sisters.

Mr. Speaker, I am certain that the Members of the House will join me in celebrating the life of this great Missouri public servant and educator. Pamela May's strong sense of community and compassion for the youth of our country make her a role model for all Americans. We will truly miss her.

RECOGNIZING YOM-HASHOAH

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. PAPPAS. Mr. Speaker, I rise today to recognize the tragedy of the loss of six million Jewish people, one and a half million of which were children, who were murdered at the hands of the Nazis. Today is Yom-HaShoah, the day in which we recognize the horrific genocide that Adolf Hitler imposed on so many.

Mr. Speaker, last year a group of young people from my district came to Washington and joined me on a visit to the Holocaust Museum. Additionally, last year, thanks to the assistance of the Jewish Federations in my district, I was fortunate enough to visit Yad Vashem in Israel. I cannot adequately express in words how moved I was to see the photographs of the victims, read the stories of so many families, and listened to the experiences that was told by the survivors. We can never forget what happened. Not only should we use this time to remember the past, but we must also educate our young people and future generations about the Holocaust in order to preserve the memory of those who lost their lives, honor those who were fortunate enough to survive and to reaffirm the promise of "never again!"

Throughout this entire week, from April 19 through April 26, 1998 the United States Holocaust Memorial Council will lead the nation in civic commemorations of the victims of the Holocaust, called Days of Remembrance. Next week we will recognize the 50th year anniversary of the establishment of the state of Israel.

So today Mr. Speaker, I join with the people of Israel, those in my district, the Jewish Community Centers and Temples, in remembering the victims and saluting the courage of the survivors of the Holocaust.

CONGRATULATIONS TO CONNECTICUT'S TEACHER OF THE YEAR MARIANNE CAVANAUGH

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise to congratulate Connecticut's Teacher of the Year, Marianne Roche Cavanaugh. Mrs. Cavanaugh is the head teacher for mathematics, Kindergarten through 12th grade, and teaches 4 math classes a day at the Gideon Welles Middle School in my home district. Since Mrs. Cavanaugh arrived in the Glastonbury public school system more than 20 years ago, her colleagues have watched in awe of her energy and ability to get students excited about mathematics. It has been said that her students have even groaned in disappointment at the end of one of "Mrs. Cav's" lessons.

In 1994, Mrs. Cavanaugh organized the first Gideon Welles Marathon. In this academic competition, students seek sponsors who pledge as much as 5 cents for each math problem correctly solved in an hour. The truly amazing thing is that over the last four years $20,000 has been raised in the Glastonbury community by 1200 students. The funds have been returned to the community to help purchase such things as youth league basketball uniforms, computer software programs, and to make charitable contributions such as donations to the food bank, clothing certificates to local stores, and bicycles.

Mrs. Cavanaugh's goal is to see a National Marathon Day during April, Math Awareness Month. Students across the country could strive to test the limits of their math skills while raising money for their communities. As a strong supporter of educational programs and initiatives throughout my career here in Congress, I stand before you in the hope that this day may soon be realized.

Outside her time in the classroom, Mrs. Cavanaugh has managed to present mathematical workshops across the nation, develop problem solving math curricula, and train other math teachers for the Interactive Math Program. In addition to this Connecticut Teacher of the Year award, Mrs. Cavanaugh was a finalist for the Presidential Award for Excellence in Mathematics and Science Teaching in 1998 and 1986, the 1998 Glastonbury Teacher of the Year, the Connecticut Association of School Superintendents' Middle School Teacher of the Year finalist in 1997, and Celebration of Excellence winner in 1986. As a resident of Marlborough, Connecticut, she and her husband Roy Cavanaugh have four children, Lindsey, Matthew, Shannon, and Kevin.

Again, I would like to commend Mrs. Cavanaugh on this achievement. She displays the kind of dedication, determination, and enthusiasm that make our public school system work. With teachers of Mrs. Cavanaugh's caliber, this next generation of Americans will surely reach the stars.

IN MEMORY OF WILLIAM CAFARO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to remember William Cafaro, a brilliant entrepreneur, a generous philanthropist, a political activist, and a good friend.

Mr. Cafaro changed the way America shops by pioneering the shopping center industry. He built some of the nation's first strip plazas and enclosed malls. His privately owned company has consistently ranked in the top ten largest commercial real estate developers in the nation. Mr. Cafaro emerged as a real estate developer and entrepreneur in the 1940's and soon revolutionized the industry nationwide.

This self-made man never forgot his roots. He has been recognized by countless organizations for his generosity and philanthropic work in the community. Among numerous other civic activities, Mr. Cafaro was especially involved in his church and in education. He was recently awarded a lifetime achievement award for humanitarian service from the National Italian American Foundation and was honored by President Clinton.

Mr. Cafaro was active in politics as well. He was a delegate to the Democratic National Convention for three presidential elections and was a member of the Electoral College. He was friends with several Presidents including Harry S. Truman, John F. Kennedy, Lyndon B. Johnson, Jimmy Carter and Bill Clinton and visited the White House many times.

Above all, Mr. Cafaro never lost sight of what was most important to him: his family, church, company, and community. His leadership and generosity are a great loss.

HUMAN RIGHTS SPEECH

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. HAMILTON. Mr. Speaker, I submit for the CONGRESSIONAL RECORD the attached excerpt from a speech I gave to the Columbus Human Rights Commission on April 4, 1998.

ADDRESS TO THE HUMAN RIGHTS COMMISSION ANNUAL DINNER, COLUMBUS, INDIANA, APRIL 4, 1998

(By Lee H. Hamilton)

I want to talk with you tonight about the challenges we face in advancing human rights. A deep concern for human rights is a basic and fundamental expression of the values of the American people. It is part of who we are and what we are.

In one sense, the history of this country can be told as the story of the advancement of human rights. Our ancestors fought a War of Independence to secure civil and political liberties, and a Civil War to ensure that all of its people, black and white, should be free and enjoy the basic rights of citizenship. In

this century, Americans have struggled to secure political, social, and economic rights for women, minorities, and working people.

America has also been a model, a guide to other countries in its concern for human rights. With some success, and with some failures, too, we have sought to promote democratic institutions and the observance of human rights at home and abroad.

How would you respond if I asked you to define for me in one sentence what this country is all about? Most of you—I think—would say: At its very core, this country is about giving its people the opportunity to be the best that they can be. Our country does not provide equal opportunity to all its citizens. It does not assure success. But, at the very least, it does provide opportunity and it tries to remove barriers that deny us a fair chance to succeed. Human rights are about removing those obstacles, and ensuring that all of us are treated fairly, equally, and justly in our individual pursuit of happiness.

The Columbus Human Rights Commission is so important because it does precisely that. In fighting discrimination and human rights abuses at the local level, this Commission works to ensure that the magnificent ideal of the Declaration of Independence—that all men are created equal—becomes reality. It serves to help this community be a place where everyone has an opportunity to become the best they can be.

I. CIVIL RIGHTS AT HOME: CHANGING ATTITUDES, CHANGING ISSUES

Our country is today in the midst of a national debate about civil rights and race relations, perhaps for the first time since Congress passed landmark civil and voting rights laws in the mid-1960s. I have cast over 5,000 votes in my years in Congress, but few, if any, have given me more satisfaction than to support these laws. Much of the current debate has focused on affirmative action (more on that later). The debate, however, also goes to more fundamental questions about race in America: do we continue to be two Americas, one black and one white? and if we do live in two Americas, is that acceptable? and if it is acceptable, what does that say about the future of this country?

Someone asked me the other day how public views on race relations have changed since the Civil Rights Era. Three things come to mind.

a. public consensus

First, there was broad public consensus in the 1960s on what was wrong in our country and what needed to be done. Americans were outraged by the treatment of Civil Rights marchers in the South, and demanded that Congress take steps to secure basic civil and political liberties for all Americans in every part of the country. Today, we have strong anti-discrimination laws on the books, and an overwhelming majority of Americans agree that racial discrimination is wrong and must be proscribed.

Consensus quickly breaks down, however, once you scratch beneath the surface. Blacks and whites, for example, may agree that racial discrimination is wrong, but they have sharply differing views about how prevalent such discrimination is today in our society. In a recent poll three in four white Americans said blacks in their community are treated the same as whites. Only 49% of the blacks agreed. Whites really see very little problem when it comes to opportunities for blacks in jobs, education, and housing. Many blacks see racial discrimination as a fact of life.

Whites have generally become more optimistic that progress toward equality has occurred and that racial discrimination has declined. Blacks, in contrast, are increasingly discouraged about race relations and discrimination.

The debate over affirmative action provides another example of the breakdown in the consensus. Supporters of affirmative action say that while the situation has improved, racism persists in this country, and that affirmative action is needed to remedy the effects of discrimination. Affirmative action programs, they will note, have provided opportunities for millions of minorities, expanding the American middle class and strengthening our political system and economy. Opponents respond that affirmative action is fundamentally unfair, that people should succeed or fail based on character, talent and effort, not race. Either they say that we now live in a colorblind society so race-based policies are unnecessary, or they say that, while racism may persist, affirmative action leads to double standards which heighten rather than reduce racial tensions.

b. sense of optimism

Second, during the Civil Rights Era there was a strong sense of public optimism about tackling problems associated with race. I don't suggest it was a Golden Age. We then lived in a segregated society, where minorities were denied political and civil rights as well as economic and educational opportunities.

What has changed, however, is our outlook on the future of race relations. Back then, many of us took to heart Dr. King's vision of an integrated America, where people would be judged not by the color of their skin but by the content of their character. We, blacks and whites, believed that anti-poverty efforts could wipe out the inner city slums and lift the poor into the great American middle class. We believed—perhaps naively—that anti-discrimination laws would lead to a society with fully integrated schools, neighborhoods and workplaces.

We have made remarkable progress toward racial equality over the last 30 years, seen, I suppose, most conspicuously in the expansion of voting rights and of a black middle class, educated and affluent, that has taken advantage of new opportunities. But, in many other respects, this is not the world we dreamed of 30 years ago. White and black America are, in many respects, drifting apart. Many blacks feel aggrieved. They observe that black incomes are still only 75% of white ones; 40% of black children live in poverty; black unemployment is more than twice as high; and the life expectancy for black males is more than eight years less than for white men (65 years vs. 73 years). They say whites have lost interest in their plight, cutting federal programs that benefit their communities and eliminating affirmative action programs that have created educational and job opportunities. The response of a growing number of blacks is not a call for more integration with white America, but separation and self-help.

c. demographic changes

Third, the debate on race in the 1960s was straightforward. It dealt almost exclusively with relations between whites and blacks. The civil and voting rights laws and affirmative action were a response to the terrible legacy of racial discrimination, particularly towards blacks, in this country.

Our civil rights agenda has changed over the years, first in response to the demand for women's rights and, more recently, in response to the changing demographics of the country. More women are in the workplace than ever before, and the nation has become more diverse, ethnically and racially, in the last 30 years as immigration from Asia and Latin America has swelled. According to the most recent Census estimates, our population is roughly 25% non-white; that figure is projected to reach 50% by the middle of the next century, easily within the lifetime of my grandchildren. As early as next year, whites will no longer be the majority in California.

The range of new civil rights challenges is astonishingly broad. Among them:

Discrimination and harassment claims have increased as more women enter the workforce. Whole new rules are being worked out in the era of increased gender equality.

Our school systems are educating a more diverse student population, many of whom will enter school lacking basic English language and learning skills.

Many states and local communities are challenged to absorb immigrant groups into their economies and address their social and cultural needs.

Minority populations are becoming more active in the political process, seeking greater representation within all levels of government and within political party structures.

II. WHERE ARE WE TODAY?

Where are we today in civil rights in this country?

On the positive side: We have made progress in enacting laws to promote equality—in voting rights, public accommodation access, and non-discrimination. A genuine positive change has taken place in the attitude of most Americans toward racial issues. More of us understand that we should accept equality among the races as a matter of principle. Finally, the black middle class has grown, black business has expanded, and the number of black public officials has increased.

And yet there are many problems. We understand now that racial issues cannot be solved by laws alone. Inequalities, rooted in feelings of prejudice and distrust, permeate our culture and society. I also find a lack of urgency about racial issues. For example, I rarely hear from constituents about race at my public meetings today. Many feel that the major wrongs have been righted, and they have other things on their minds: balancing the budget, improving schools, creating good jobs, fighting crime.

Hence, while we have worked hard to tear down racial barriers and promote equality, we all know—as Jim Henderson reminded us last year before this gathering—that our work is not done—in Columbus or in the country. Much has been done, much is still to do.

III. WHERE DO WE GO FROM HERE?

The question, then, is where do we go from here on civil rights? How do we build on our successes of the last generation? How do we make for a more inclusive, more just society which affords every American the opportunity to be the best he or she can be?

a. affirmative action

I am one who continue to believe there is an appropriate role for affirmative action, properly defined. Affirmative action programs are being challenged successfully in courts and legislatures across the country. The U.S. Supreme Court has worked to limit the use of race-based preferences in the workplace, on contracts, in legislative redistricting, at all levels of government. The federal government is in the process of retooling its affirmative action programs in response to these Court decisions. The overall

effect of these changes will likely be to curtail government contracts flowing to minority and women-owned businesses.

I am also concerned by efforts to bar affirmative action in college and graduate school admissions. One federal appeals court has said that the University of Texas cannot use race as a factor in law school admissions. California voters approved a state referendum to similar effect at state college and graduate programs. As a consequence, minority enrollment for incoming classes at these schools plummeted last year. The long-term effects on enrollment remain to be seen.

The goal of public policy should be to make sure that all of us have the opportunity to develop our talents to the fullest. The rapid rollback of affirmative action programs will, I think, disserve that goal. While I oppose quotas or rigid preferences, I see affirmative action plans as a tool to create a more inclusive work place and open up opportunities for all persons. Real equality of opportunity is the key to minority advancement. Where discrimination has existed, it is fair to provide an equal opportunity to catch up. Affirmative action can promote equal consideration, and not reverse discrimination.

My view is that compensating for past discrimination is acceptable if done by using special training programs, talent searches and targeted financial help, and by helping disadvantaged groups compete. I do not, however, want to predetermine the results of competition with a system of quotas. Government can act to promote racial integration, help disadvantaged persons improve their circumstances, and proscribe intentional racial discrimination, but it cannot assure outcomes in hiring, contracting, and admission for higher education.

b. integration vs. separation

Affirmative action and other government-led efforts may provide opportunities to blacks and other minorities, but they will not bridge the divide between the races. Blacks and whites may work in the same place, but they often live in separate neighborhoods, go to separate schools, socialize in different circles. Some of this separation can be traced to discrimination, but increasingly, I think, it is by choice.

I recently read a comment of a black woman, a professional who works with whites, but lives in a predominantly black community. She said: "It's hard to grow up in white neighborhoods. There are always doubts about you, about your intelligence. This is what America is supposed to be about, total integration, but the reality is that most of us keep to our own in this country, and not because there is specifically some race factor, but because we feel more comfortable that way."

Some will say there is nothing wrong with people of a particular race choosing to live and socialize with their own. That if this country stands for anything it is individual liberty, and if someone chooses to live in an all-black community or an all-Hispanic community or an all-Korean community, that is their choice and who are we to criticize it.

Others worry that separation of the races will lead to the balkanization of America. That we have built our nation on a shared set of values, beliefs and traditions. And that separation tears at the very fabric of our society and institutions.

We can argue all day about the causes of this separation—the lack of economic opportunities; racism; the burden of history—but the question Americans must answer is whether this trend toward separation is desirable. I think it is not.

I am an integrationist at heart. I believe in the motto of this country: E Pluribus Unum, out of many, one. We can't compel people to move to integrated neighborhoods. We can't force them to socialize with people of other races. Integration should, nonetheless, be our goal. We don't have to reach that goal today, but we should strive to take steps day-by-day to get there. We are, after all, one nation, one family, indivisible.

c. individual and community-based action

My own experience is that the best way to improve relations among races is to have people work together at something they both believe to be worthwhile and important. If you get two adult women, for example, of different races together to talk about the future of their children, you can see the making of harmony and consensus. People who may not believe they have very much in common learn that they really do. A dialogue that simply leaves people feeling that we remain far apart doesn't get us very far.

We must talk frankly, listen carefully, and work together across racial lines. We must all take responsibility for ourselves, our conduct, our attitude—and our community. We must talk less about separation and bitterness, and more about unity, reconciliation and shared values. We must do everything to assure that every person in our community has real opportunity. Give every child in the community, every adult, too, the opportunity to get a good, decent, safe, fulfilling education to get ahead in life.

On a personal level, I urge you to get to know well a person of another race, and try to see the world through their eyes. Reach out to persons of a different race. Speak to them; listen to them, as I know many in this audience do. When people do this, they find a lot more in common than they thought.

I also urge you to learn more about the remarkable civil rights history of our nation. Two recent books, "Pillar of Fire" by Taylor Branch and "The Children" by David Halberstam, give us stirring accounts of this era. One of the most memorable experiences of my congressional career was getting to know Martin Luther King, Jr. at Washington National Airport as he was emerging on the national scene. Both us were waiting for delayed planes, and for an hour or so I visited with him. I caught from Dr. King—as I have from my colleagues in Congress, John Lewis and Andy Young, two other civil rights heroes—a glimpse of their courage and vision.

Thirty years after Dr. King's death, we can say that we have torn down many of the legal barriers in the country, but we have not been as successful breaking down the barriers in our hearts and minds. No one should cling to the illusion that the battle for equal opportunity and equal justice has been won.

Tolstoy said that many people want to change the world, but only a few want to change themselves. He had the right perspective as we think about race. You and I have to engage each other, learn from each other, endure the pain of reflection and candor, and move on to higher ground. Progress in race relations is not simply a matter of economic statistics or survey data, but it is measured to a large extent through interaction of people, with acts of brotherhood, tolerance, and understanding.

The work of the Columbus Human Rights Commission is instrumental to this process of discussion, healing and growth. The Commission provides a forum for people of diverse backgrounds and races to air their comments and concerns, to debate the issues in a frank manner, and to find solutions which will make our community more inclusive and more just.

IV. CONCLUSION

Our success in meeting these challenges will depend—in large measure—on our commitment to human rights. This evening has been a success if it causes each one of us to renew our commitment to human rights and to act in specific ways on that commitment.

The stakes are high. This country has been dedicated to the cause of human rights from its inception. If you and I do not lead in human rights, who will? Surely those of us who have been given so much—good parents, good education, good health, a marvelous country—and all of our many blessings—must take the lead for human rights into the 21st Century.

So when you leave here in a few minutes, what are you going to do? May I suggest you and I renew a simple pledge: We stand for justice. We combat injustice wherever we may find it—at home or abroad, in our own community or across the world. Leaders and legislation may be important, but what happens in your life, in your home, in your heart is more important than what happens in the White House.

We join hands in support of the Human Rights Commission in Columbus in a noble cause: contributing to the direction and success of a free society and a humane world.

TRIBUTE TO DR. JOEL FORT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. MILLER of California. Mr. Speaker, I rise today to invite my colleagues to join me in recognizing the accomplishments and contributions of a truly remarkable man, Dr. Joel Fort.

Dr. Fort was an early visionary in the field of public health. He was one of the first professionals to understand that social problems such as substance abuse and violence were not going to be solved by the criminal justice system alone, but rather required a collaborative approach which included public health expertise. Dr. Fort's personal commitment to this field brought about the creation of the San Francisco Department of Health's Center for Special Problems and the Center for Solving Special Social and Health Problems. These Centers have reached thousands of individuals, and serve as a model for replication throughout the United States and abroad. Not satisfied to stop there, Dr. Fort influenced a generation of public health and social service professionals by taking his philosophy into the classroom—teaching at several universities on subjects of drug abuse, criminology, ethics and conflict resolution. Dr. Fort's many achievements have earned him numerous accolades, most notably the recent completion of Oral History of Joel Fort, M.D.: Public Health Pioneer, Criminologist, Reformer, Ethicist, and Humanitarian by the Regional Oral History Office of the Bancroft Library, University of California, Berkeley.

Throughout this rich and varied career, Dr. Fort always held his family as his top priority.

Therefore, it is only appropriate that we join with his wife of 46 years, Maria Fort, and his three children and three grandchildren, in celebrating his life and his legacy. Dr. Joel Fort is an undeniably outstanding member of our community, and I speak for the entire U.S. House of Representatives in this tribute to him.

COUNCIL OF KHALISTAN CALLS ON PAKISTAN TO RECOGNIZE KHALISTAN

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. DOOLITTLE. Mr. Speaker, recently the Council of Kahlistan, which leads the struggle to liberate the Sikh homeland, Punjab, Khalistan, from Indian rule, recently wrote an open letter to the people and government of Pakistan urging Pakistan to recognize Khalistan to stop India from achieving hegemony in South Asia.

The letter pointed out that two leaders of the ruling BJP recently called for Pakistan and Bangladesh to become part of India. It has been fifty years since India and Pakistan achieved their independence, agreeing to partition at that time. For leaders of the ruling party to call for that agreement to be undone reveals India's imperialist aims in the region. The atrocities committed against the Sikhs, the Christians of Nagaland, the Muslims of Kashmir, the Dalits ("black untouchables," the aboriginal people of the subcontinent), and so many others also show India's drive to establish Hindu Raj throughout South Asia.

An independent Khalistan can serve as a buffer to prevent war between India and Pakistan. Khalistan is committed to freedom, denuclearization in South Asia, and economic cooperation to assure prosperity for all. It is time for the United States to promote freedom, peace, stability, and prosperity in South Asia by supporting a free and fair vote on the political status of Khalistan and for Pakistan to recognize the legitimate aspirations of the people of Khalistan, Nagaland, and all the nations of South Asia.

I am putting the Council of Khalistan's open letter into the RECORD.

COUNCIL OF KHALISTAN,
Washington, DC, April 8, 1998.

AN OPEN LETTER TO THE PEOPLE AND GOVERNMENT OF PAKISTAN: TO STOP INDIAN HEGEMONY, RECOGNIZE KHALISTAN

To the people and Government of Pakistan:

Your recent missile test is an unfortunate reminder of the tensions in South Asia. While it was a necessary response to India's drive to establish its hegemony over South Asia, it is still an unfortunate event. We all hope that South Asia will not once again erupt into a war.

India's drive for hegemony shows in the recent statement by two BJP leaders that Pakistan and Bangladesh should become part of India. It shows in India's military buildup. And it shows in India's ongoing repression of the minorities living within its artificial borders. It has already murdered over 250,000 Sikhs since 1984. It has murdered almost 60,000 Muslims in Kashmir since 1988, over 200,000 Christians in Nagaland since 1947, and tens of thousands of Assamese, Manipuris, Tamils, Dalits ("black untouchables," the aboriginal people of South Asia), and others.

You can help to end India's drive for hegemony by recognizing Khalistan. Your recognition will be a major boost of the movement to bring freedom to the oppressed Sikh Nation. It will also carry strategic advantages for you, as Khalistan can serve as a buffer between you and India. If there is a war, Sikhs will not fight for India. The Sikh Nation can also use the fact the over 60 percent of India's grain comes from Punjab, Khalistan to deter India from pursuing its dream of Hindu Raj throughout South Asia. I ask you to recognize Khalistan immediately. We seek to establish an Embassy in Islamabad and four consulates in Lahore, Karachi, Peshawar, and Quetter.

Khalistan is committed to the denuclearization of South Asia and to the establishment of a South Asian common market to bring greater economic prosperity to all the countries of South Asia. Khalistan will also sign a 100-year friendship and defense treaty with Pakistan. Only the liberation of Khalistan and the other oppressed nations of South Asia will bring true peace and stability to the subcontinent.

The Indian government has been talking to Naga leaders about the status of Nagaland. Yet India has failed to live up to its obligations under the 1948 U.N. resolution in which it agreed to a plebiscite in Kashmir and it has refused to hold a free and fair plebiscite in Punjab, Khalistan. India is not one country. It is a collection of many nations thrown together by the British for their administrative convenience. The collapse of India's brutal, corrupt empire is inevitable. By recognizing Khalistan, you can help bring that about sooner and help bring freedom, democracy, peace, and prosperity to South Asia. I call upon the people and government of Pakistan to take this step immediately.

Sincerely,

DR. GURMIT SINGH AULAKH,
President,
Council of Khalistan.

HONORING THE 80TH BIRTHDAY OF JOSEPH GIGUERE

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. NEAL of Massachusetts. Mr. Speaker, it is with great honor that I have this opportunity to stand on the floor of this great Chamber and acknowledge the celebration and occasion of the 80th Birthday of my constituent, Joseph Giguere.

Mr. Giguere of Southbridge, Massachusetts was born in St. Aimée in the Province of Quebec, Canada on March 19, 1918. His early years on his family's homestead in the countryside surrounding Montreal instilled within him a sense of hard work and determination, and loyalty to friends and family. These admirable qualities were carried with him when he emigrated to the United States at the age of eleven and helped him to persevere and fully acclimate himself to the American society that he proudly became a citizen of. His eagerness to learn a new language, while still observing and respecting the strong French-Canadian heritage that had been ingrained in him, enabled him to attain an education and skills necessary for trade of a woodscraftsman. Though it was the Depression, his father was an entrepreneur and successfully started numerous enterprises, including broom factories, butcher shops, and woodworking establishments. The skills that Mr. Giguere learned allowed for him to always find work to sustain and contribute to his family.

Mr. Giguere married his sweetheart, Dorothy, with whom he celebrated a 50th wedding anniversary and each day of their life together. They shared a love and friendship that many would envy, as well as the blessing of six children and many grand-children and great-grandchildren. Mr. Giguere and his wife ensured that all of their children, Richard, Marguerite, Roland, Therese, Paul, and Michael, were raised appreciating the value of education, discipline, and tradition, all which they in turn have passed on to their own children. Mr. Giguere also extended his good fortune and the warmth of his home to members of his community and the parishioners at Notre Dame Church. In fact, stories abound of the crowds of neighbors and friends who would come to Mr. Giguere's home to watch Milton Berle, Jackie Gleason, and Art Carney since he owned the first television in the area. The laughter and happiness continues from those nostalgic days, and "Pepére", as he is affectionately referred to by his grandchildren and great-grandchildren, is always there to extend a helping hand or a listening ear and his own perspective and encouragement. It is a great pleasure to acknowledge Mr. Giguere today on the occasion of his 80th birthday. May he have many more happy and healthy years ahead of him.

IN HONOR OF MR. DEE J. KELLY

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. FROST. Mr. Speaker, I rise today to honor Dee Kelly, from Fort Worth, Texas, who is receiving the Blackstone Award on April 30, 1998, for consistent ability, integrity, and courage as a lawyer.

Mr. Kelly grew up in Bonham, Texas, the son of a farmer and a mill worker. He knew as early as high school that he wanted to practice law. He became a friend of Speaker Sam Rayburn, who was his Congressman in Bonham, and spent some time working for the Speaker on Capitol Hill. He completed his bachelors degree at Texas Christian University in Fort Worth, Texas, and studied law at George Washington University at night while he was working for the Speaker. After a few years in Washington, Mr. Kelly returned to Fort Worth to practice law. He began his own firm in 1979, which now has about 80 attorneys in Fort Worth and Austin.

Mr. Kelly is not a stranger to awards and honors. He has won countless business and civic awards, including the Horatio Alger Award in 1995. He has been included in the book Best Lawyers in America for seven years in a row. The Blackstone Award is special to

him because it is given by his colleagues. In addition to the long hours he maintains at his firm, Kelly, Hart & Hallman, Mr. Kelly serves on several corporate boards and has close ties to his alma mater, Texas Christian University, where the alumni center is named after him. Many civil attorneys never receive the widespread recognition that their colleagues in criminal law receive, but Mr. Kelly is one of the few who has.

My fellow colleagues, please join me in recognizing Mr. Dee J. Kelly, a truly outstanding attorney and active member of his community.

REVEREND CARTER CELEBRATES 25 YEARS WITH FIRST BAPTIST CHURCH

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. COLLINS. Mr. Speaker, I rise to recognize and celebrate the contributions of Reverend Charles Carter, senior pastor of the First Baptist Church of Jonesboro. For the past 25 years, Reverend Carter and his wife, Margaret, have led the church through explosive growth, all the while inspiring those they touch with the important lessons of the Bible.

Raised in Toccoa, Georgia, Reverend Carter spent his time outside of school bagging groceries in his family's store and pumping gas at his parents' filling station. He went on to study at Mercer University, and then attended Southern Baptist Theological Seminary. After pastoring in Kentucky and North Carolina, Reverend Carter brought his passion for preaching the Bible to Clayton County. Under his leadership, First Baptist Church paralleled the country's population boom with incredible growth from a family of 1,600 members in 1973 to an extended family of 6,400 members this year.

With the growth, the church has had the opportunity to expand programming, particularly for the community's youth. They also fund missions to build churches in countries like Guatemala and Venezuela. In 25 years, First Baptist has operated under balanced budgets, even with a budget that has swelled to more than $4 million.

A balanced budget is not the only lesson we should follow from the example of Reverend Carter. His belief in the importance of work is motivation for us all. "You do whatever it takes to get the job done. Forget your job description. Forget what can be done and can't be done. Do whatever it takes."

Margaret Carter's involvement in the church is also inspirational. She is a partner in the truest sense, as she and her husband have shared in the joys and responsibilities that come with 25 years of heartfelt devotion to the church.

Jonesboro is privileged to have Reverend and Mrs. Carter in its community. Although Reverend Carter will soon retire, his legacy of guidance and inspiration will long survive his absence from the pulpit of First Baptist.

TRIBUTE TO WALTER G. WATSON

HON. LINDSEY O. GRAHAM

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. GRAHAM. Mr. Speaker, I rise today to congratulate and honor Dr. Walter G. Watson of North Augusta, South Carolina. At the graduation ceremony, on May 6, 1998, Clemson University will present Dr. Watson with an honorary degree.

At 88 years of age, Dr. Watson remains a practicing physician. After graduating from The Citadel, he attended the Medical College of Georgia (MCG), and later taught there. Besides serving as chair of the OB/GYN department for most of his career, Dr. Watson has received the Outstanding Faculty Award and the Outstanding Alumnus Award from MCG.

Dr. Watson also demonstrates exemplary commitment outside of his career. He has served the North Augusta athletic program for over fifty years, by performing physicals and caring for the injured. He also provided critical assistance to his church, by helping to rebuild Grace Methodist, one of South Carolina's largest Methodist churches.

As Dr. Watson has no plans for retirement, he continues to serve as an exemplary role model for future generations. He is a dedicated gentleman of high character, concerned with the needs of others and the community he serves. Mr. Speaker, I ask that my colleagues join me in paying tribute to this outstanding individual, by recognizing the commendable actions in all aspects of his life.

TRIBUTE TO THE UNIVERSITY OF ILLINOIS WOMEN'S BASKETBALL TEAM

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. EWING. Mr. Speaker, I rise today to pay tribute to the outstanding achievements of the 1997–98 University of Illinois women's basketball team. With a "Dare to be Great" attitude, head coach Theresa Grentz challenges her players, coaching staff and those working with her to strive for excellence. Studying the 1997–98 record books, it seems to have paid off.

The University of Illinois Women's 1997–98 basketball team was destined to soar to new heights. Their No. 5 ranking in December marked the highest ranking ever by an Illinois team. Illinois earned a No. 3 seed, the highest in program history, and advanced to the "Sweet Sixteen" for the second consecutive year, an outstanding accomplishment. Senior Ashley Berggren became Illinois' all-time leading scorer with 22 points against Purdue. She finished her career with 2,089 points, placing fifth all-time in the Big Ten. Fellow teammate and senior Krista Reinking set the Illinois record for three-point field goals made in a game while playing Minnesota. She closed out her career with a total of 194 three-point field goals. Coach Grentz, who won her second consecutive Big Ten Coach of the Year award, led her team to a nine game winning streak spanning November 28 until January 16, the second longest in program history. The 1998 senior class tied the class of 1984 for the all-time winningest class with 67 wins over four years. For this honor I would like to recognize the Senior players; Guard Ashley Berggren from Barrington, IL; Guard Kelly Bond from Chicago, IL; Guard Krista Reinking from Decatur, IN; and Center Nicole Vasey from Lake Zurich, IL. May their past successes continue to follow them wherever they may go. Mr. Speaker, I would like to thank the entire women's team, Coach Grentz and all involved in bringing such excitement and pride to the University of Illinois.

CONGRATULATING DR. STANLEY NUSSBAUM

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mrs. McCARTHY of New York. Mr. Speaker, I rise to congratulate Dr. Stanley Nussbaum, who is being honored by the Herbert Tenzer Five Towns Democratic Club at its annual brunch on May 3, 1998. Stan is a dynamic political leader, representing the community in my district known as the Five Towns on the local, state, and national levels. The residents of my district have reaped the benefits of his commitment to the community, as he has always put forth the needs and concerns of the people of Long Island.

Stan's leadership is quite impressive. He has been a member of the Nassau Democratic County Committee for twenty-five years, and served as President of the Five Towns Democratic Club from 1978–1980 and then again from 1984–1990. He was Zone Leader of Lawrence-Cedarhurst and in 1994 was elected as a New York State Committeeman.

An early supporter of President Clinton prior to his election, Stan proceeded to run and was elected as a Clinton delegate for the 1992 Democratic National Convention. Currently, Stan serves the Island as Assembly District Leader in the 20th A.D.

In addition to his outstanding and extensive involvement within the Democratic Party, Stan is also very active in community affairs. Locally, he served as President of the Five Towns Jewish Council, and has been a trustee of the American Jewish Committee. Presently, he is a trustee of Temple Beth El of Cedarhurst, and sits on the boards of the American Committee of Israeli MIA's and the Conference of Jewish Organization of Nassau County. Stan is a life member of the American Dental Society.

Amazingly, Stan has managed to accomplish all of this and remain extremely devoted to his family including his wife, Toby; their three children, Felice, Hillary and Larry; and two grandchildren, Ananda and Sierra.

Dr. Nussbaum emulates the ideals of citizenship in our country—through his concern for others, his service to the community and active participation in our government. I wish to congratulate—and thank—my good friend

Stan, for all that he has done for me, my district, and Long Island.

TRIBUTE TO THE LATE HONORABLE BELLA ABZUG

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Ms. DELAURO. Mr. Speaker, last night a number of my colleagues, led by Congressman JERRY NADLER and Congresswoman ELEANOR HOLMES NORTON, paid tribute to the late Bella Abzug. I want to lend my voice to theirs in honoring this remarkable woman.

It is particularly fitting that we honor her this week, after we watched two new women members be sworn in. We now have 55 women serving in the House of Representatives—the largest number in history. Bella would be proud.

Those gains were made possible by women like Bella Abzug, women who fought their way into what was still a "man's world." Bella spent her career working to promote women's rights. After she left Congress she founded the National Women's Political Caucus, a vital organization with the goal of promoting women's participation in government. As we look around the chamber today we can see the tremendous progress we have made toward that goal.

With her trademark hats and her bold style, Bella hit the ground running in Congress and never once stopped. As the daughter of immigrants and the first Jewish woman to serve in the House, Bella never forgot who she was or where she came from. She spent her lifetime looking out for those who were traditionally excluded from the Washington power structure—immigrants, minorities, and especially women. She fought to end U.S. involvement in Vietnam. She fought for women's rights, civil rights, worker protections. Bella served as a voice for those who had been shut out of the process for far too long.

Before she came to the House in 1971, this body had never seen the likes of Bella Abzug. We all know that we never will again. Bella was a true pioneer.

Every woman who walks these halls today, and every woman who will follow us in the future, owes a tremendous debt to Bella for all the barriers she broke. Bella, we thank you and we will never forget you.

TRIBUTE TO VICTIMS OF ARMENIAN GENOCIDE

SPEECH OF

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. KENNEDY of Massachusetts. Mr. Speaker, April 24 marks the 83d anniversary of the beginning of one of the most terrible chapters of human history—the Armenian genocide.

From 1915 to 1923, over 1½ million Armenians perished at the hands of Ottoman Turks. As Peter Balakian documents in his book "Black Dog of Fate":

> Every day you heard about Armenians disappearing. Shopkeepers disappearing from their shops in the middle of the day. Children not returning from school. Men not coming back from the melon fields. Women, especially young ones, disappearing as they returned from the bath.

But sadly, the Turkish government is practicing historical revisionism by denying that a genocide took place. Even more regrettably, Turkey continues its blockade of Armenia, attempting to starve it of humanitarian aid and commerce. The United States should persuade Turkey to be a catalyst for truth and peace in the region. Only with Turkey's cooperation and America's leadership will it be possible to move forward to bring peace and prosperity to the descendants of the victims and the survivors of the Armenian genocide.

This period of ethnic cleansing was only the first of the twentieth century. It was to be followed by the Holocaust of World War II and the mass murders of the Bosnian conflict and central Africa. Perhaps if more people had known the truth behind Armenia's tragedy, the world would have seen the warning signs, and prevented the subsequent genocides. Today in 1998, ethnic cleansing threatens to reignite in places like Kosovo. It is of utmost importance to acknowledge the Armenian genocide, for its example is relevant more than ever today.

I am a proud cosponsor of House Concurrent Resolution 55, which honors the victims of the Armenian genocide and urges the United States to be active in the struggle to bring recognition to this tragedy.

Today, Armenian grandparents are passing the story of Armenian suffering down to their families because they know the importance of keeping the truth alive. We in Congress should do our part too, to inform the public, to recognize historical fact, and to honor those who suffered.

THINK TANK PREDICTS NUCLEAR WAR BETWEEN INDIA AND PAKISTAN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. BURTON of Indiana. Mr. Speaker, a very distressing article has just come to my attention, thanks to Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. It is a report from the April 17th issue of India Abroad that the Rand Corporation, a widely-respected think tank, predicted that within a few years, there will be a major war between India and Pakistan and that this war could involve nuclear weapons.

The prospect of a nuclear war in South Asia must be distressing to anyone. This event could pose a major threat to the entire world. We should all commit ourselves to making sure that even if a war does break out, it is fought without the use of nuclear weapons.

In its report, the Rand Corporation noted that "the insurgency in Indian Kashmir has become unmanageable" and that "the insurgency has begun to spread into Punjab." The Indian Government is fond of telling us that there is no support for independence in Punjab, Khalistan. Yet Rand Corporation, which has no interest in promoting either side, tells us that the "insurgency" is spreading into Punjab, Kahlistan.

This disastrous scenario is one more reason the United States, as the world's only remaining superpower, should support freedom for Khalistan, the Sikh homeland that declared its independence on October 7, 1987, and the other nations in South Asia that are seeking their freedom. An internationally recognized and independent Khalistan could serve as a buffer between both India and Pakistan. This would be in the best interests of India, Pakistan, the United States, and the whole world.

Mr. Speaker, it is time for this Congress to go on record in support of a free and fair plebiscite on the political status of Khalistan. It is time to demand that India keep its promise made in 1948 to hold a plebiscite in Kashmir. That is the democratic way to settle these issues. It is also the best way to prevent South Asia from becoming the tinderbox of a nuclear disaster for the entire world.

I would like to enter the India Abroad article into the RECORD, and I strongly urge my colleagues to read it carefully.

[From India Abroad, Apr. 17, 1998]

THINK TANK PREDICTS INDIA-PAKISTAN WAR

(By Aziz Haniffa)

WASHINGTON—A scenario prepared for the Pentagon by the semi-official Rand Corporation, a highly regarded think tank which receives some Federal funding, finds large-scale humanitarian operations in a nuclear combat zone in South Asia following the year 2005, which is fueled by an "unmanageable" situation in Kashmir.

The scenario, contained in Rand's report titled "Sources of Conflict in the 21st Century: Regional Futures and U.S. Strategy," paints a picture where "the insurgency in Indian Kashmir has become unmanageable," so much so that "despite the best efforts of the Indian government, the insurgency has begun to spread into Punjab."

"Recognizing that it has been left behind in its conventional military competition with India," the scenario notes, "Pakistan sees these revolts as a way of weakening its great rival and increases its material and diplomatic support, including training and sanctuary, to both insurgencies."

By early the following year, it predicts, "Pakistan's involvement—never precisely subtle to begin with—becomes highly visible when two Pakistan soldiers, acting as trainers for Kashmiri insurgents, are captured in an Indian commando raid on a rebel-controlled village."

According to the scenario, "India warns Pakistan to desist from supporting the insurgencies and threatens dire consequences. Pakistan initiates diplomatic efforts to isolate India while increasing levels of covert support for the insurgents." In the spring of 2006, the scenario shows that "India dramatically increases its counter-insurgency operations . . . and the rebels are pushed into precipitate retreat."

Pakistan's response, it says, is "by infiltrating a number of special-forces teams, which attack military installations."

India then mobilizes for war "and launches major attacks all along the international

border, accompanied by an intense air campaign."

Consequently, according to the Rand scenario, "the Indian Army makes significant penetrations in the desert sector and achieves a more limited advance in Punjab, capturing Lahore and heading north toward Rawalpindi and Islamabad."

Additionally, "a supporting attack from Kashmir is poised to go at the proper moment," and conventional missile and air strikes "have done extensive damage to Pakistani military infrastructure, while India's air bases, in particular, have been hit hard by the Pakistanis."

The scenario notes that "fearful that the Indians will use their emerging air superiority to locate and destroy the Pakistani nuclear arsenal and perceiving their military situation as desperate," Islamabad demands that India cease all offensive operations and withdraw from occupied Pakistani territory "or face utter destruction."

But it paints a picture of India pressing on with its conventional attacks while announcing that while it would not "initiate the escalation of the conflict," it would "surely respond in a * * * devastating manner" to any Pakistani gambit.

Bringing in the nuclear dimension to its scenario, the Rand report then notes that as Indian forces "continue to press forward, Pakistan detonates a small fission bomb on an Indian armored formation in an unpopulated area of the desert border region; it is unclear whether the weapon was intended to go off over Pakistani or Indian territory." India responds by destroying a Pakistani air base with a two-weapon nuclear attack.

Condemning the "escalation" to homeland attacks, Pakistan then attacks the Indian city of Jodphur with a 20-kiloton weapon and demands cessation of hostilities.

But India strikes Hyderabad with a weapon assessed to be 200 kiloton and threatens "10 times" more destruction if any more nuclear weapons are used during the conflict. Pakistan then offers a cease fire.

Meanwhile, according to the scenario, "pictures and descriptions of the devastation in Jodhpur and Hyderabad are broadcast worldwide, and Internet jockeys—playing the role ham radio operators often have in other disasters—transmit horrifying descriptions of the suffering of the civilian victims on both sides."

This results in the United Nations immediately endorsing a massive relief effort, "which only the United States—with its airlift fleet and rapidly deployable logistics capability—can lead."

Thus, within 48 hours—after the cease-fire has been accepted by India but before it is firmly in place—"the advance echelons of multinational, but predominantly American, relief forces begin arriving in India and Pakistan."

In noting the constraints in such a scenario, the Rand report notes the war has rendered many air bases in both India and Pakistan only marginally usable for airlift operations.

"U.S. citizens," it states, "are scattered throughout both countries, and the host governments' attitudes toward their evacuation are not known."

The U.S. President meanwhile has assured the nation in a broadcast address that only the "smallest practical number" of troops will be deployed on the ground in either India or Pakistan.

In a preface to the report, Rand said the study, sponsored by the Deputy Chief of Staff, Plans and Operations, "was intended to serve Air Force longrange planning needs."

It said the "findings are also relevant to broader ongoing debates within the Department of Defense and elsewhere."

PUNJAB IS STILL A POLICE STATE UNDER AKALI RULE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. TOWNS. Mr. Speaker, we had hoped that the election of a new Sikh-led government in Punjab would end the tyranny that has reigned there. Unfortunately, that has not been the case. Former Justice Ajit Singh Bains, chairman of the Punjab Human Rights Organization (PHRO), recently described Punjab as a police state. As the Council of Khalistan recently pointed out in a letter to Punjab police chief P.C. Dogra, Punjab remains a police state even under the rule of the Akali Dal.

Since the Akali government took power in March last year, over 100 atrocities have been documented, including murders, rapes, and many instances of torture by the Punjab police. The Akali government has not freed any of the Sikh prisoners held in illegal detention, some since 1984, nor has it brought charges against even a single policeman. Even the Congress Party governments in Punjab and Delhi charged a few police officers who committed the most visible abuses. Yet despite a Supreme Court order that the police officers who kidnapped human-rights activist Jaswant Singh Khalra on September 6, 1995 be indicted, the Akali government proudly boasts that no action has been taken against any police officer.

Earlier this month, members of the Khalra Committee had their tires slashed by the police during a court hearing. Mr. Khalra's wife, Paramjit Kaur Khalra, has been falsely charged with bribing a witness, who is now under police protection. Two other witnesses have also had their rights infringed. Kikkar Singh was falsely implicated in two cases, and PHRO Vice Chairman Kirpal Singh Randhawa recently wrote to the Chief Minister and the President of the World Sikh Council exposing a police conspiracy to eliminate him.

In March, a 17-year-old Sikh girl named Hardip Kaur was gang-raped by four policemen. In February , two Sikh youths were arrested while riding their bicycles in front of a Gurdwara (a Sikh temple.) Also in February, a Sikh named Malkiat Singh died from torture by the police at the Ahmedgarh police station. Plainclothes police even occupy the Golden Temple in Amritsar, the holiest of Sikh shrines, which was the scene of a brutal desecration and massacre by the Indian military in June 1984.

Even Justice J.S. Sekhon, a member of the government-appointed Punjab Human Rights Commission, expressed his concern about police behavior. He said that his commission has received 90 complaints about police misconduct. Some incidents have resulted in death. This does not sound like the way a democracy operates. Justice Bains is right. Punjab is a police state. I call upon the Punjab government to begin prosecuting police, to bring in independent human-rights monitors, to release all Sikh political prisoners, and to begin observing the basic rights of all human beings. If it will not, America should ban all trade with Punjab and demand an internationally-supervised plebiscite on independence for Punjab, Khalistan. These are the best steps we can take to insure that the rule of law and the glow of freedom finally come to the Sikh homeland.

I am placing the Council of Khalistan's letter to Mr. Dogra into the RECORD.

[Open Letter to Punjab DGP Dogra From Dr. Gurmit Singh Aulakh, President, Council of Khalistan, April 16, 1998]

PUNJAB IS A POLICE STATE—END POLICE ABUSES NOW!

MR. DOGRA: Recently Justice Ajit Snigh Bains, the chairman of the Punjab Human Rights Organization, described Punjab as a police state. He is right. Your police have murdered, raped, tortured, and secretly cremated tens of thousands of Sikhs since 1984.

Last week the human-rights community in Punjab met with the Chief Minister. They detailed numerous abuses of human rights by the police. Your police slashed the tires of Khalra Committee members. The Supreme Court ordered the indictment of the police officers who kidnapped Jaswant Singh Khalra on September 6, 1995, yet they are still at large. Mr. Khalra's whereabouts remain unknown. Mr. Khalra published a report exposing the police tactic of abducting Sikhs, torturing and killing them, then declaring their bodies "unidentified" and cremating them. For this, the late Tarn Taran police chief, Ajit Sandhu, threatened that "We made 25,000 disappear. It would not be hard to make one more disappear." It has been two and a half years since Mr. Khalra was kidnapped. When will your police take responsibility?

Kikkar Singh, who is a witness in the Khalra case, was falsely implicated in two cases and remains in jail. Kirpal Singh Randhawa, Vice-Chairman of the Punjab Human Rights Organization, is a witness in the Khalra case. He wrote to the Chief Minister and the President of the World Sikh Council exposing a police conspiracy to eliminate him. These illegal actions show the lengths that the police will go to in the effort to cover up their own responsibility for the reign of terror that has engulfed Punjab.

Just in the last year, over 90 atrocities by police have been documented in Punjab. Last month, a 17-year-old Sikh girl named Hardip Kaur was waiting for a bus to take her to her family's village. She was offered a ride by two police officers, and this innocent young girl accepted. She was taken to a house where these officers and two other police officers gang-raped her all night. In February, Malkiat Singh of the village of Bisgawa died from torture inflicted by the Inspector and Sub-Inspector of the Ahmedgarh police station. In February, two Sikh youths who were riding their bicycles in front of a Gurdwara were picked up by your police and stuffed into a police jeep. They are accused of being militants, but the residents of their village say that these charges are unfounded. These are just some of the most recent incidents. How can a country that operates this way call itself a "democracy?"

It is a well-known fact, reported by the U.S. State Department, that police officers have received cash bounties for killing innocent Sikhs. It was in pursuit of one of these

bounties that the police murdered a three-year-old child and claimed that he was a "terrorist." Do you consider that acceptable police practice?

Your police even continue to occupy the Golden Temple, the holiest of Sikh shrines. It has been fourteen years since the desecration and massacre known as Operation Bluestar. There is no better illustration of the fact that there is no place for Sikhs in India's "secular democracy."

During a recent visit to Punjab and Chandigarh, Canadian Revenue Minister Herb Dhaliwal said that only when the problem of harassment of people and insecurity of property is solved will outsiders be encouraged to invest in Punjab. He called for democratic change. It is you and your police force that can end the harassment and abuse of human rights. Only then will the door be open for real democracy to function in Punjab.

Recently, Justice J.S. Sekhon, a member of the government-appointed Punjab Human Rights Commission, said that he is worried about the inhuman behavior of the police. He noted that the police have been torturing people in the police stations and that the law does not allow this. Even though militancy has yielded to peace in Punjab, he said, his commission has received 90 complaints against the police. Justice Sekhon said that the commission is taking a serious view of these complaints, especially those that resulted in death in police custody. He added that the police must be more cooperative and humane towards people. What further proof is needed? Punjab is a police state.

As Justice Sekhon said, your police force has a long way to go before it begins to resemble the law-enforcement arm of a free state. As the Director General, you bear ultimate responsibility for these crimes. Even your own allies are exposing the reign of terror that you police have imposed on the hardworking people of Punjab.

Only when the fundamental rights of all people are observed can any country call itself democratic and free. We Sikhs are moving towards true democracy and freedom in our homeland, you can either help in that process or hinder that process. So far you have done the latter, I hope for the sake of your own conscience, you begin to do the former.

It is your responsibility to end the police tyranny in Punjab, otherwise, history and the Sikhs will never forgive you.

PANTH DA SEWADAR,
DR. GURMIT SINGH AULAKH,
President, Council of Khalistan.

CHALLENGES AND OPPORTUNITIES IN THE DIGITAL ERA

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Ms. HOOLEY of Oregon. Mr. Speaker, I rise today to submit an article to the RECORD entitled "Digital Watch; The Big Picture" by Jerry Meyer, the Chief Executive and President of Tektronix, a global high-technology company based in Wilsonville, Oregon. This article describes the challenges and implications of the transition to the digital transmission of television, telecommunications and information technology signals.

Directed by Congress in the Telecommunications Act of 1996, the Federal Communications Commission mandated a ten-year period for the transition from analog to digital broadcasting.

This industry imperative to disseminate the new technology has not necessarily created an instant demand for digital products, but it has driven the development of remarkable new interactive technologies.

Mr. Meyer, whose firm is a global distributor of high technology components, including testing and interactive video equipment, is in an ideal position to observe trends in the digital industries.

While emphasizing the unpredictability of these new markets, his article offered me a clear perspective on the possibilities that digital broadcasting creates and the scramble now taking place to capitalize on those opportunities. Thus, I am inserting this article into the RECORD and commend it to all of my colleagues for its reasoned approach to the new digital era.

DIGITAL WATCH: THE BIG PICTURE

(By Jerome Meyer)

Even if you've heard the hype and seen the product demos—amazing color and clarity, images so real they look almost 3D—chances are you haven't given much thought to their consequences. Most people never worry about how a broadcast signal reaches their television set or computer terminal, and most don't have to in order to lead profitable, happy lives. Yet the move from a world of analog signals to a digital version, raises a host of questions. Just how much will consumers shell out for enhanced quality? Who will deliver it to them? With telephone companies, Internet service providers, and media powerhouses all scrambling for a ride on the wave, what will the much-heralded "digital world" of the future really look like?

NOW YOU SEE IT, NOW YOU DON'T

A virtual hurricane, the digital revolution is sweeping the worlds of telecommunications, broadcasting, and multimedia, carrying consumers from the analog world of The Ed Sullivan Show to the digitally supercharged computer games of Sega Saturn. Like all transitions, this event isn't monolithic, and it isn't pre-programmed. As the laboratory tools of digital conversion and compression become available at a price that makes them salable, programmers, movie studios, producers, and advertisers are applying their creative genius to the new delivery system.

A simple comparative glance at a digital television picture and an analog picture will give you a hint of how drastic the improvement really is. The superfine visual and audio quality is brought to you thanks to a technology chain that links satellite makers, cable operators, content providers, and electronic manufacturers.

Even telephone companies like GTE (which recently bid to buy Internet service provider BBN Corp. for $616 million) and US West are fast expanding beyond their traditional delivery mediums. Digital technology will make packaging offerings of wireless services such as paging and data transfer more widely available.

In a sense, the perceived needs of the consumer are driving this revolution into a digital state of high quality and dependability. It is no longer enough to deliver the consumer to another technology barrier. Motorola's global scale Iridium project is just one attempt to deliver digital technology into a world marketplace.

Are consumers responding?

Without a doubt. Although just 150 commercial satellites spin overhead today, you can expect to find the sky cluttered with almost 2,000 of them in just seven years. When you consider that that could provide a market of more than 1 billion people, it's no wonder media moguls like Rupert Murdoch are running hard to put in place the content and capability to service those markets.

There are an estimated 50 million people surfing the Internet. Last year, computer sales outpaced those of televisions. At the same time, it is clear that the consumer is not wedded to a particular delivery system and will shop for price and quality.

The mad scramble for digital conversion has created dynamic responses, but it has also caused some confusion. From my vantage point at Tektronix, I am able to measure the needs of the people who are using digital technology everyday. As demand grows for better ways to test and measure the digital stream of information—whether into a TV or onto a computer screen—I see some patterns and possible pitfalls.

The debate over whether consumers will use their televisions or their computers for digital images ends up being about ease of use. Whether my "network appliance" is made by Sony or Philips or comes mail order from Dell or Compaq doesn't really matter. What matters to the consumer is: Is it better than what I already have? Does it cost more or less? What programming or content will it give me access to?

Some pundits and news media would have us believe that 90 million television owners are going to drive down to the store Monday morning and buy brand new digital televisions. Current prices for the screens make that unlikely, but just as with the VCR, when consumers finally get a glimpse of something that is demonstrably better—and digital is—computer makers and consumer electronic makers will have a great opportunity. Most large-scale manufacturers are already making plans for the 10-year analog to digital changeover mandate by the FCC.

Already, computer makers and their chip allies, like Intel, see an advantage to being on the consumer's desktop. And, of course, our Pacific Northwest neighbor, Microsoft, has taken advantage of the way your appliance works in order to serve up information, news, and data. Microsoft recently demonstrated its desire to be part of the "screen experience" by paying $425 million for WebTV and $1 billion for a stake in cable operator Comcast.

Your future Internet experience—whether at home or at your place of business—will not be rooted in the appliance, but in the value it adds to your work or social life. Business-to-business on-line commerce is already beginning, and structures are now being built to handle grocery shopping, educational material, and banking for consumers. The growth in e-mail tells me that people want to communicate with each other, but it also offers a way to transform learning and education.

Applications will continue to drive the digital marketplace, with technical solutions always playing catch-up to the needs and desires of the consumer. Continuing price pressure and the persistent need to lower costs—whether through falling chip prices or sinking telephone charges—will also spur the digital conversion.

But this urge to go digital isn't without its pitfalls. Intense efforts and great spending

by some of the best and brightest companies has yet to secure a business model where the consumer will pay enough money to make sophisticated, costly technology a worthwhile business investment. Interactive television trials are now showing the promise they once had, though other kinds of digital interactive technology is securing a market. Digital editing and digital transmission of images and sound are no longer revolutionary.

The fact that it is my own inclination to actually go to the movies with my wife, rather than rent a video as our children do, underscores the point that all consumers—and all businesses—don't embrace change at the same speed. The "rush" to replace the analog technology of vacuum tubes with the high-speed elegance of chips and computers has taken time, and that will continue.

My perspective is perhaps a little different than most, because I've been able to see how technology has become more and more a consumer product. Turning out oscilloscopes for the U.S. Navy—our old business—isn't exactly the kind of thing that gets you headlines, unless there is a war on. But the initial concept of testing and measuring the quality and consistency of technology is at the root of this digital revolution—and that just happens to be our business.

THE DIGITAL WATCH

When you see a digital television picture you'll know it. The clarity and quality is downright amazing, and some digital broadcasting currently being received by digital set-top boxes looks almost 3D. Even with current standard televisions, signals transmitted digitally via a satellite make Thursday night's Seinfeld episode shine even brighter.

The big question has never been, "Gee, is this neat stuff?" The real question that keeps companies like Intel, Sony, and TimeWarner up at night is: "How much will consumers pay for this technology?"

Several events have coincided to make this a particularly exciting shift for the industry. Not only are huge sums of money being spent on a variety of new delivery systems, but government deregulation also throws these new technologies into the push-and-pull of the marketplace.

When telephone deregulation started back in the mid-1980s, the personal computer was outside the reach—and want—of most people. Technology issues revolved around speed, size, and standards. By embracing open standards of technology—a concept similar to that of everyone agreeing on grades of gasoline—the PC business boomed; even the Goliath IBM learned a lesson trying to hang onto standards, while companies like Dell Computer, Compaq, and Microsoft gave new meaning to the mixing of technology and growth.

In terms of going digital, Murdoch's Fox television network is the most aggressive entertainment company. They are using the digital shift to bring costs down as well as to build a satellite distribution network that stretches around the globe. I get a first-hand look at what these companies want to do because they've got to know what the technology can do before they deploy it. Whether transmitting stock prices or television programs, you have to use technology to deliver it to the customer.

Right now, other broadcasters (CBS, NBC, and ABC) are steering a conservative course. There's some good reason for this. They have all been through the cable wars and were told that their traditional dominance would be washed away like Gilligan and his friends. With a massive capital spending campaign to finance this government-mandated switchover from analog to digital transmission, no one wants a false start.

The market players know that digital will be the de facto standard in the next century. Ditigal technology will allow companies to provide more information to consumers as well as create challenges relating to costs and development. The digital world will blur the lines between data and video on a computer screen and the entertainment and news we have grown accustomed to on our television sets.

SWITCHING CHANNELS

One clear benefit of the digital world will be greater choice. Individuals will be able to personalize the kinds of information they receive as well as the medium they want to use. Hand-held digital telephones with news, messages, Internet connections, as well as the more mundane tasks of scheduling, telephoning, and electronic files will be packed into small cost-effective devices.

Companies such as Motorola, Ericson, and Sony will lead the consumer charge in this area, but an entire behind-the-scenes technology deployment will have taken place—unseen by the average customer. Digital standards provide the framework for all the information traveling the airwaves. As broadcasting, production, and distribution players battle for consumers, they will all be using digital tools for combat. Traditional broadcasting will be using two-way technology to connect with viewers; production companies will have new video and audio capabilities to engage the audience; and distribution will follow the customer from room to room and from city to city.

Imagine video technology at a reasonable price, bundled, as part of a wider array of technology information choices. One channel might be news; another might be a conversation with co-workers or family members. Digital technology literally unleashes whole new combinations of images and sounds that can go anywhere and be transported for a fraction of their traditional cost. While the corporate landscape will be dominated by some of the same players competing today, it is fair to say that everyone is watchful of new entries. As digital technology becomes more and more pervasive, it also will present new opportunities for startup and new ventures.

Whether it is video browsers that let computer users watch full motion, digital video with sound, digital signals sent via satellites, or new digital transmission towers, the consumer will be clamoring for the best technology at the best price. The challenge for the consumer electronics industry is to deliver it.

LETTER CARRIERS AGAIN SPONSOR FOOD DRIVE FOR NATION'S NEEDY

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. KLECZKA. Mr. Speaker, again this year, as they have for countless years in the past, letter carriers from around the country will collect nonperishable food items placed near their customer's mail boxes on Saturday, May 9. The food will then be given to local food pantries for distribution to those in need. Letter carriers in my hometown, Milwaukee, collected the largest amount of food nationwide in their efforts of May, 1997.

The National Association of Letter Carriers, in conjunction with the United States Postal Service and the United Way, will kick off this year's food drive in Milwaukee with a press conference on Thursday, May 7th, to raise community awareness of this very worthwhile project.

I rise today, Mr. Speaker, to ask my colleagues to enthusiastically support the letter carriers' food drives in their hometowns and districts, and to remind my fellow residents of Milwaukee and Waukesha Counties to consider buying a few extra canned goods and nonperishables while doing the weekly grocery shopping the week before the 7th. Together, we can ensure that this year's food drive is as successful as those which came before.

With a little help from all of us, our local food pantries will be stocked full and maybe even over-flowing, for this summer, a time when pantries are often put to the test.

CONGRATULATIONS TO GIRL SCOUT COUNCIL HONOREES

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. MENENDEZ. Mr. Speaker, it is with great enthusiasm that I congratulate Janet Haynes, Gail Thompson and the Matsushita Electric Corporation of America for their selection as honorees at this year's Women of Distinction Luncheon, sponsored by the Girl Scout Council of Greater Essex and Hudson Counties. This year's luncheon will take place on April 23 at the Holiday Inn/North in Newark, NJ.

Janet Haynes, who will receive the Girl Scout World of People award, is a native of Jersey City. She serves as country clerk for the County of Hudson. Through her election to this post, she became the highest ranking African-American official in the history of Hudson County and the only African-American to serve as county clerk in the state of New Jersey.

A former girl scout, Haynes is actively involved in volunteer work. She has served as the chairperson and vice-chairperson of the board of directors of the Hudson County Health Systems Agency and is also chairperson of the United Way of Hudson County.

Gail Thompson, who will received the Girl Scout World of Today and Tomorrow award, is a registered architect who currently serves as vice-president of design and construction, for the New Jersey Performing Arts Center, Newark, NJ. Thompson, who holds a degree in architecture from the Pratt Institute, Brooklyn, NY and a master's degree in real estate and finance from Rutgers University, Newark, has also served as assistant vice-president of facilities planning and development at the American Stock Exchange.

In addition, Thompson is very involved with volunteer work. A commercial pilot and flight instructor, Thompson has been actively involved in exposing minority youth to aviation. She is the founder of a summer aviation camp for high school students.

The Corporate Award is being given to Matsushita Electric Corporation of America, located in Secaucus, NJ. Matsushita has consistently made generous contributions to the Girl Scouts, and their employees have been active volunteers in many Girl Scout programs.

I would like to congratulate all three of the recipients for their work with the Girl Scouts and wish them continued success in all of their endeavors.

CONGRATULATIONS TO PRACA FOR 45 YEARS OF LEADERSHIP IN THE PUERTO RICAN COMMUNITY

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to pay tribute to the Puerto Rican Association for Community Affairs (PRACA) and congratulate this worthy organization on the occasion of the First Annual PRACA Awards. I ask my colleagues to join me in congratulating PRACA as they celebrate their forty-fifth year of leadership in New York City's Puerto Rican and Latino community on May 1st, 1998.

PRACA was founded in 1953 during the height of the Puerto Rican migration to New York City. At that time there were few organizations that helped newly-arrived Puerto Rican families adjust to the city's fast lifestyle, while helping them maintain their culture, values and traditions. PRACA was in the forefront of a movement, creating social service programs dedicated to the enrichment of the Puerto Rican community. In the years that followed, PRACA continued this work and extended the same services to other newly-arrived Latino families.

Today, PRACA's programs range from children and families services to adoption, education and housing programs. Over the years, they have been consistent in their mission while continuing to meet the diverse needs of the Puerto Rican and Latino community. PRACA has assisted families in understanding their new culture as well as preserving their history, language and cultural heritage. PRACA has helped reduce barriers, promote advancement and improved the lives of thousands of families in New York.

In closing, I ask you to join me in saluting PRACA for their vision, their leadership and their perseverance these past 45 years. Congratulations!

TRIBUTE TO GORDON BINDER

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Gordon Binder for his leadership of Amgen Corporation and his continued commitment to bringing science and technology into the community.

Calvin Coolidge once said, "Education is the result of contact. A great people is produced by contact with great minds." As CEO of one of America's leading genetic engineering firms, Gordon Binder and his corporation have dedicated themselves to fulfilling President Coolidge's call to educate the community. Gordon has not only continued to expand Amgen's research and development capabilities, but he has also initiated a number of innovative community outreach programs, bringing science to the community.

Some of these programs include the Amgen Staff Community Involvement Program (SCIP), in which the services of Amgen's talented staff are made available to non-profit organizations or to needy individuals for community improvement projects. In another program developed under Gordon's leadership, Amgen presents five $10,000 Amgen Awards for Teacher Excellence each year. Amgen also provides evening science lectures for local high school students and administers a Mobile Laboratory Program that teaches students to perform real-life gene cloning experiments right in their own classrooms.

In addition to his work at Amgen, Gordon also serves on the Board of Directors of the Pharmaceutical Research and Manufacturers Association, Pepperdine University, and Cal Tech. He also is Chairman of the Biotechnology Industry Organization and Past President of the American Cancer Society Foundation.

Mr. Speaker, distinguished colleagues, please join me in paying tribute to Gordon Binder for his visionary leadership of Amgen Corporation and his efforts, in our community and across the country, to make innovations in science and technology available to thousands of high school students.

HAPPY 115TH ANNIVERSARY, SECOND BAPTIST CHURCH

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. BARCIA. Mr. Speaker, the ability to endure provides a sense of power to any entity, and it instills confidence in those who belong to an organization. Nothing is more reassuring than the endurance of religious faith as evidenced by the long history of one's church. The congregation of Second Baptist Church in Bay City Michigan, is proud of its Church, which will be celebrating its 115th anniversary this weekend.

The history of Second Baptist Church is an inspirational story of accomplishment. For the first twenty-five years after its organization in 1883, Second Baptist depended upon its faithful worshipers for sustenance, until a major building project was completed in 1907 under the pastorate of Rev. Henry Brown. This site saw the growth of the church over its first ninety-six years, until the cornerstone for the current church at Youngs Ditch and Scheurmann Roads was laid by then-pastor Rev. Marvin A. Jennings, Sr.

The mortgage on this property was paid in full last year, culminating the project that was started by Reverend W.L. Daniel, who was the pastor in 1964.

Pastor Seth Doyle has led the church since May 11, 1986. He has overseen the establishment of a day care center, a ministry mission to Zimbabwe, and the on-going spiritual growth of the Bay City community. Pastor Doyle wants Second Baptist Church to be a vital, vibrant beacon in the community, which it has been, and most assuredly will continue to be.

Mr. Speaker, I urge you and all of our colleagues to join me in wishing Pastor Doyle and the entire congregation of Second Baptist Church a most joyous and blessed 115th anniversary. We join them in their prayer to continue to look to God for strength, guidance, and direction.

CUDAHY HIGH SCHOOL BAND, STILL MARCHING STRONG AFTER 75 YEARS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. KLECZKA. Mr. Speaker, I rise today in tribute to the past and present members of the Cudahy, Wisconsin High School Band who will mark the band's 75th anniversary with a series of events and concerts the weekend of May 16 and 17, 1998.

One of the four oldest bands in the greater Milwaukee area, the Cudahy High School's 75th Anniversary Gala will truly be a special event. Former conductors, alumni, distinguished guests and dignitaries will be on hand for the festivities and, in some cases, will even join the current musicians!

All of the members of the Cudahy High School Bands, which now include the Wind Ensemble, Symphonic Band, Concert Band, Marching Band, Jazz Ensemble, and Pep Band, are to be commended for their many accomplishments over the years. The Marching Band has been named the State Champion in its class in 1989, 1990, 1996 and 1997. The band has qualified many members for the State Honors Band, State Honors Orchestra and State Honors Jazz Ensemble since beginning Honors participation in 1977. Members of the band have an outstanding solo and ensemble record at both State and District level competitions.

With all of this in mind, Mr. Speaker, I truly look forward to joining the Cudahy High School Bands at their 75th Anniversary Gala in May. I know that all Cudahy's residents will mark that weekend to say a heartfelt "thank you" to the band members and directors for all of their entertainment in parades, concerts and athletic events over the years.

TRIBUTE TO DR. CONRAD L. MALLETT, SR.

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. CONYERS. Mr. Speaker, I rise today to pay tribute to Dr. Conrad L. Mallett, Sr., president emeritus of Capital Community-Technical College in Hartford, Connecticut. A noted educator, historian and culture bearer, Dr. Mallett entered the arenas of education and government service to press the fight for justice and equality for America's oppressed and overlooked citizens.

Although he and his wife, Dr. Claudia Jones Mallett, have spent the past 13 years in Connecticut, Dr. Mallett grew up and was educated in my hometown of Detroit, Michigan. That's where we first met. Our friendship has continued since.

Dr. Mallett is an African-American historian who still believes that our nation can live up to its glorious promises; he is a husband, father and grandfather who takes great joy in seeing his offspring dream dreams that he could not even imagine as a poor, black child raised by a widowed mother in the segregated South and later the intransigently rigid North.

Dr. Claudia Jones Mallett, his wife of 46 years, attributes his sterling character and his drive to his mother. "She was a very strong woman who was a domestic worker. She imparted to him steadfastness and the work ethic. He has a strong belief that it is education that brought African-Americans as far as they have gotten, and it is education that will move them further along.

"He believes that the more we are able to allow every person to become an educated person, the more successful we will be in our drive to become full citizens in this country. Whenever he has encountered barriers that get in the way of that goal of full citizenship, he has tried to move them out of the way."

Far more often than not, he has succeeded.

Born in Ames, Texas, about 40 miles south of Houston, Dr. Conrad Mallett lost his father at age 10. His mother, Mrs. Lonnie Mallett, worked to support him and his sister, Nora. The family moved to Detroit in the early 1940s when Mrs. Mallett learned that domestics could earn twice as much in Detroit.

"Sometimes my husband tells a story about those days," Dr. Claudia Mallett recalled. "His mom sometimes would take him and his sister to work with her. They had to be very quiet while she worked because they were not supposed to be there, so they had nothing else to do but read. Both he and his sister are avid readers, and I don't think I know of any person who is more well read than my husband."

After graduating from Detroit's Miller High School, a young Conrad Mallett was drafted, trained in the South Pacific as an Army Air Corps engineer and eventually was stationed on Baffin Island, off the southern tip of Greenland.

After his honorable discharge, he returned to Detroit and started a steady climb toward his goal. While working at the U.S. Post Office, he used the GI Bill to take some courses at the Cass Tech Veterans Institute. After a few years, he left the post office ("I found it dull and unromantic") and began walking the beat as a Detroit police officer. At the same time he enrolled in college full time.

"I say with some pride that the years from 1952–57 were the most productive of my life. I married, we had three children and I completed college and worked full time. Had it not been for my wonderful wife, I would not have been able to do any of those things," he said of those years. With the exception of one year when he received a scholarship from the Mott Foundation, he always held full-time jobs while earning his undergraduate and post graduate degrees. Today he holds a B.S. in Education and an Ed.D. in Education Administration from Wayne State University and an M.A. in American History from the University of Michigan.

The young ambitious father and husband was driven to succeed because, as he explained it, "I come from a generation that had as its goal surviving, dealing with a racist society, dealing with prejudice. We just tried to make it day to day.

"Today I take great pride that my grandchild can say, 'I will be the next Bill Gates or a doctor or a lawyer.' Those goals were not as accessible in the 1940s and 50s as they are now. I was always looking for a better quality of life, one with some dignity and respect."

Dr. Mallett still remembers how his high school counselor tried to steer him into carpentry even though he had expressed an interest in engineering. After graduating from college, Dr. Mallett taught American History and social studies in the Detroit Public Schools. In fact, he taught the first African-American history course offered in the Detroit District. After seven years, he left the school system and took a job as head of the training unit of Detroit anti-poverty program.

He may not have known it then, but Dr. Mallett was about to set off on a career that would earn him a shining reputation in public service and education. He had made sure he was prepared to take advantage of the opportunities that came his way. "If you are prepared, sometimes good things happen," he said. "It all goes back to the statement black parents made to their children during Reconstruction: Get as much education as you can because they can never take that away from you."

Dr. Mallett's commitment to social justice extends far beyond the job. For example, in 1964 a fund-raising benefit was scheduled in Detroit for the Student Non-violent Coordinating Committee. Dr. Mallett and his wife agreed to put their home on the line to cover the cost of renting Detroit's Cobo Hall if the benefit did not raise enough money to pay the rental fee.

In the 1960s Dr. Mallett became the first African-American Assistant to Detroit Mayor Jerome Cavanagh, a bold young Irish Catholic lawyer who, with the support of the black community, staged an upset victory over the incumbent mayor. "I had finished everything but the dissertation on my doctorate when I was appointed to that job," Dr. Mallett said.

As Director of the city's Department of Housing and Urban Renewal, Dr. Mallett helped steer the city through the turbulent 1960s.

When Cavanagh left office, Dr. Mallett came to the attention of Wayne State University which needed someone with experience in public housing to oversee its building expansion. The University Board of Governors appointed him Director of Community Extension Services and then Director of the Office of Neighborhood Relations.

In 1973, he was named Vice President for Academic Affairs at Wayne County Community College, Michigan's largest community college. He served in that position until 1977 when Detroit Mayor Coleman A. Young, the first African-American Mayor of Detroit, tapped him to be director of the Detroit Department of Streets, Traffic and Transportation. Six years latter, academia called again. Dr. Mallett left Detroit to serve as Vice President for Academic and Student Affairs at the Community College of Baltimore, a position he held until 1985 when he was appointed President of the Capital Region Community College District in Hartford, Connecticut. Upon the dissolution of the regional district, he was appointed President of the Greater Hartford Community College. In 1992, he became the first President of Capital Community-Technical College, a comprehensive, publicly funded two-year college program offering career, technical and transfer programs. On June 30, 1996, he retired as president emeritus.

Recipient of many academic honors and leadership awards, he was named Educational Administrator of the Year by the Black Educational Administrators Association while at Wayne County Community College. The Southeastern Michigan Council of Governments presented him with its Distinguished Service Award. In recognition of his exemplary leadership, he received the Anthony Wayne Award from Wayne State University.

Throughout their marriage, Dr. Mallett and his wife, now a retired science teacher, always kept their primary focus on their three children. Conrad Mallett, Jr. is Chief Justice of the Michigan Supreme Court; Lydia Mallett, Ph.D., is Director of corporate Diversity of the General Mills Corporation, and Veronica Mallett, M.D., is a faculty member at Wayne State University Medical School in Detroit and is pursuing advanced research in obstetrical and gynecological surgery.

Though the children were raised in a middle-class environment, they were never allowed to forget the historic struggles and sacrifices that led to their lifestyle. Justice Mallett said he will never forget a trip he and his dad took to Houston, Texas. "I was 17 years old, and that's not exactly the time you want to make a cross-country trip with your dad. But when we got to Houston, my dad said we were having dinner that night at the Rice Hotel. He said I had to put on a suit. It was August, and Houston was about 199 degrees. It was so hot. When I asked whey we had to go inside to eat, my dad said, 'Because I never walked in the front door of the Rice Hotel. I was a bellboy there and made it all the way up to be bell captain, but I never walked in through the front door.'" That night they both walked in through the front door.

Justice Mallett said his father brought a fierce integrity to the process of public service delivery. "He said that you may not always be able to do your best for everyone, but in general those persons less able than you to fend for themselves are the ones to whom you

must give your best." And that, Mr. Speaker, is how Dr. Conrad Mallett, Sr. lives his life. Our nation is richer because of his contributions.

CONGRATULATIONS TO MUSLIMS ON THE CELEBRATION OF EID

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. RODRIGUEZ. Mr. Speaker, I rise today on behalf of my constituents and other members of the Muslim community in the United States and throughout the world who this month celebrated the holy day of Eid.

Muslims celebrate two Eids (festivals) every lunar year, Eid-ul-Fitr and Eid-ul-Adha. Eid-ul-Fitr is celebrated after fasting for a whole month. During this month a Muslim distributes 2.5 percent of his annual savings in charity to the poor.

Eid-ul-Adha, Feast of the Sacrifice, takes its roots from the Patriarch of our three great faiths, Judaism, Christianity and Islam—Abraham. In recognition of the act of sacrifice and obedience with which Abraham was ready to sacrifice his beloved son, for the last 1,400 years Muslims have followed Abraham's tradition by sacrificing a lamb at the end of Hajj, the pilgrimage to Mecca.

I ask the Congress to join me in congratulating the six million Muslims in the United States and over a billion Muslims across the globe who follow the tradition of Abraham upon this occasion of celebration, sacrifice and charity.

U.S.-PAKISTAN RELATIONSHIP WORTH REPAIRING

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. HAMILTON. Mr. Speaker, some weeks ago I sent identical letters to Secretary of State Madeleine Albright and National Security Adviser Sandy Berger outlining my thoughts on some of the problems troubling the relationship between the United States and Pakistan.

I have now received replies from Mr. Berger and the Department of State. Because I believe that Pakistan is an important country and that it remains very much in the American interest to repair our tattered relations with Pakistan, I now insert this correspondence in the RECORD.

It is my hope that this will provoke a serious and sustained discussion of the U.S.-Pakistan relationship.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, February 19, 1998.

HON. MADELEIN K. ALBRIGHT,
Secretary of State,
Washington, DC.

DEAR MADELEINE: Knowing that the President intends to visit South Asia later this year, I have been giving some thought to the United States' relationship with Pakistan, particularly, the F-16 problem and other bilateral issues.

First, I am concerned that it may not be possible to have a successful presidential trip to Pakistan if we have not made any progress in addressing the F-16 issue.

You will recall that in 1995, President Clinton, meeting with then Prime Minister Bhutto, noted the apparent unfairness of the U.S. refusal to either provide Pakistan with the F-16s it had bought or refund the money paid for the aircraft.

If, three years later, no progress has been made in resolving this issue, this will cast a cloud over the President's trip to Pakistan and preclude the resumption of anything approaching a normal relationship between the two countries.

Moreover, should Pakistan take the United States to court over this issue (as it is now considering), this would materially diminish the likelihood of a successful presidential visit and otherwise damage U.S.-Pakistan relations.

None of the obvious solutions for resolving this problem appear viable. Congress is unlikely to repeal the Pressler amendment, or to appropriate the approximately $500 million we owe Pakistan for the F-16s. Nor does anyone hold out much hope for finding alternative buyers for these planes, which would enable us to use monies from that sale to reimburse Pakistan.

I understand there is some talk about the possibility of using a 614 waiver to permit the administration to transfer the F-16s to Pakistan, notwithstanding the Pressler amendment restrictions. I would strongly oppose this idea because of the adverse effect it would almost surely have on the credibility of our global nonproliferation policies and on our gradually warming relationship with India. I also expect that an administration attempt to use a 614 waiver in this instance would draw considerable opposition on the Hill.

Since none of the obvious solutions appear feasible, I would urge you to look into less obvious ways to deal with this problem. I understand, for instance, that some people are talking about debt forgiveness, where we would write off a portion of Pakistan's P.L. 480 or other debt in return for Pakistan waiving all claims against the United States stemming from the F-16 sale. This appears to be an idea worth exploring further.

Alternatively, I understand there is some discussion of linking the $500 million owed Pakistan for the aircraft to a resumption of an USAID program tailored specifically to meet Pakistan's grave problems in the social sector. Under this proposal, Congress would authorize the President to enter into negotiations with Pakistan with a view to arriving at a reasonable compromise figure—perhaps in the neighborhood of $250 million—that would be provided Pakistan, over a number of years, in return for Pakistan dropping all F-16 related claims against the United States. Even $250 million is a considerable sum, but members of Congress might be swayed by the fairness argument so long as the planes were not being transferred, if much of this sum could be portrayed as traditional U.S. foreign assistance designed to meet basic human needs, and if the annual U.S. aid allotments were in the $40-50 million range.

The purpose of this letter is not to advocate a specific solution, but to draw your attention to this matter, and to encourage you to redouble your efforts to ensure that the F-16 controversy does not derail the President's trip later this year.

I also believe your legal experts need to look at the specific consequences, if any, should Pakistan take the United States to court over the F-16s. I am told that at least some legal experts believe that a number of U.S. programs and sales would have to be shut down as soon as Pakistan files suit. I do not know if this is correct. If it is, Pakistan should be made aware of this at the earliest possible date, to ensure that Pakistan understands fully that bringing suit against the United States will adversely affect its own interests.

I would also urge you to investigate means by which Pakistan could be relieved of the obligation for paying storage fees for the F-16s we currently hold. Our insistence on forcing Pakistan to pay an annual storage charge for our refusal to transfer the planes costs the United States far more in ill will than it brings in revenue to the U.S. Treasury.

On a second issue in our bilateral relations, I urge you to seek legislative approval for resuming an IMET program in Pakistan. As you no doubt recall, the Senate approved such a provision last year, but it was dropped in conference, without the House ever considering the issue. While the monetary value of such a program is small, I believe resumption of this program would be perceived in Pakistan as a good will gesture and a manifestation of the United States' desire to rebuild the bilateral relationship.

Finally, while U.S. military training is an important tool for promoting American interests, I believe that the administration should place greater emphasis on helping Pakistan, within the restrictions of U.S. law, to begin to address some of its urgent domestic problems.

For instance, current law permits some population planning assistance for Pakistan. Programs of this sort should be encouraged. The administration should also renew its efforts to secure congressional approval for the democracy-building components of the Harkin amendment that failed in conference last fall.

Ultimately, the most serious threats to Pakistan are internal, not external. If we value our ties with Pakistan—and I believe we should—it would seem to be in the U.S. interest to help Pakistan address these threats, rather than encouraging Islamabad to divert scarce resources into nonproductive channels.

I would be pleased to discuss these matters with you in more detail if you would like.

With best wishes,

Sincerely,

LEE H. HAMILTON,
Ranking Democratic Member.

THE WHITE HOUSE,
Washington, March 16, 1998.

HON. LEE H. HAMILTON,
House of Representatives,
Washington, DC.

DEAR LEE: Thank you for your very thoughtful letter regarding our relationship with Pakistan. As we prepare for the President's trip to South Asia this Fall, we are very appreciative of your insights on the important bilateral issues that complicate our relationship with that country.

Your views on the F-16 issue were of particular interest. The President fully shares your opinion on the importance of resolving this issue and on the impact it has on our bilateral relationship. I am encouraged by your helpful comments and we will give

careful consideration to your suggestions of debt relief and a focused resumption of our USAID program as we review the full range of options in the weeks ahead.

I am also encouraged that you have urged the Administration to seek legislation to reestablish the IMET program in Pakistan. We continue to see IMET as an important vehicle for strengthening our ties with Pakistan and will examine how we might best go about seeking congressional support.

Thank you again for sharing your thoughts. We will consult closely with you and your colleagues as we seek solutions to these vexing problems.

Sincerely,

SAMUEL R. BERGER
Assistant to the President for National Security Affairs.

DEPARTMENT OF STATE,
Washington, DC, April 15, 1998.

Hon. LEE H. HAMILTON,
House of Representatives.

DEAR MR. HAMILTON: The Secretary has asked that I respond on her behalf to your letter of February 19 concerning our relations with Pakistan.

It is the Department's desire to improve our relationship and advance our long term interests with Pakistan. Like you, we believe the best way to do this is to resolve the F-16 issue while enhancing bilateral ties in other areas.

The Department is currently examining the merits of the full range of alternatives for resolving the F-16 issue. We fully appreciate that failure to settle this matter could harm bilateral relations and may precipitate a lawsuit. You may be certain that we will keep your views about debt relief and economic assistance very much in mind as we proceed.

We strongly agree with your assessment about the importance of IMET and democracy building for Pakistan and intend to seek legislative authorization to reinstitute these programs.

We also appreciate knowing of your judgment that the most serious threats facing Pakistan are internal. We agree that such matters as a stagnant economy and ineffective educational system are critical to Pakistan's long-term development and stability. Consequently, we have devoted increasing attention to helping Islamabad address these problems.

We greatly appreciate your interest in improving ties with Pakistan and look forward to working with you on all matters raised in your letter.

Sincerely,

BARBARA LARKIN,
Assistant Secretary, Legislative Affairs.

CASIMIR S. JANISZEWSKI HONORED FOR HIS OUTSTANDING COMMUNITY LEADERSHIP

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. KLECZKA. Mr. Speaker, I rise today in tribute to Casimir S. Janiszewski, who will be honored May 2nd by the Pulaski Council of Milwaukee as the Polish Heritage Award Recipient at the group's annual Polish Constitution Day festivities.

Each year, the Pulaski Council of Milwaukee, which was organized to promote the civic, social and cultural interests of Americans of Polish extraction, recognizes the accomplishments of an outstanding member of the Milwaukee-area Polish community. This year's honoree, "Casey"Janiszewski, is very deserving of this prestigious award.

Casey grew up in his family's business, Superior Die Set Corporation, which was founded by his grandfather Kasimir, who immigrated from Poland in 1910. Today, Casey is the firm's President and Chief Executive Officer. His father, Casimir, is Chairman, while Casey's brother, Frank, is Executive Vice President. The company will proudly celebrate 75 years of family ownership and operation with festivities this fall.

Casey Janiszewski is truly a family man. In addition to working side-by-side for years with his father and brother, he is a loving husband to Diane and father to Nick and Steven. He's active in his community, serving on the Board of Directors of several corporations, and the St. Josaphat Foundation. He is the Co-Chair of the Polish Fest Community Center committee, and is active in his parish, St. Elizabeth Ann Seton, and the Polonia Sports Club.

I applaud the Pulaski council's choice in naming Casey Janiszewski the Polish Heritage Award Recipient this year. Sto Lot!

TRIBUTE TO BILLY SUTTON

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. KENNEDY of Massachusetts. Mr. Speaker, to paraphrase the lyrics of the great old Irish folk song, "Oh Billy, we hardly knew ye." But we loved you all the more.

For us, it all began six years before I was born. The Second World War had just ended, and a young Navy veteran named John F. Kennedy had decided to run for Congress for the old Eleventh Congressional District.

It so happened that one day in January 1946, a young Army veteran named Sergeant William Sutton was being discharged from Fort Devens. Billy loved to tell about what happened next. He'd been overseas for two years. He was finally on his way home to see his mother, and he had taken a train from Devens to North Station here. He had started up School Street, when Joe Kane spotted Billy.

Joe Kane was family, literally. Joe Kane and grandad Joe Kennedy were first cousins, and they always called each other Cousin Joe. Cousin Joe Kane knew a great deal about Boston politics, and he was the first person Grandad turned to for advice for Uncle Jack. Billy had previously worked on two campaigns in the Eleventh District and knew everyone—but everyone!—in the District. So Cousin Joe Kane knew that Billy would be a prize catch for Uncle Jack.

Cousin Joe wouldn't take no for an answer. When he caught up with Billy on School Street, he told Billy, "There's someone you have to meet. Come on over to the old Bellevue Hotel with me."

Billy said he'd been in the Army overseas for two years, and he was going home to see his mother. Cousin Joe told him, "You can see your mother later—this won't take a minute."

It took a little more than a minute, but it was love at first sight at the Bellevue. Uncle Jack loved Billy, and by the time Billy left for home, he'd signed on with Uncle Jack full time. He started the very next morning to build the organization that took Uncle Jack to victory in 1946.

A few days after that, Billy introduced Uncle Jack to another great friend of our family, a man that Billy used to sell newspapers with at the Charlestown Navy Yard, another young veteran named Dave Powers.

Two days after that, Uncle Jack made his famous visit to the meeting of the Gold Star Mothers at the American Legion Hall in Charlestown, and Billy and Dave and Uncle Jack were on their way together.

The Democratic primary that year was in June, and the day before was Bunker Hill Day, with its huge parade and celebration in Charlestown. Billy felt they clinched the victory for Uncle Jack with their parade. Billy and Frank Dobie marched at the front with a huge banner 20 feet wide and five feet high saying "John F. Kennedy for Congress."

People used to say that Billy had organized a thousand of Uncle Jack's supporters to march in the parade. As Billy knew, it was only a little over one hundred—but they marched only three abreast, stretching themselves out as far as the eye could see, going past all the Kennedy banners they'd put on every second house along the route.

That day and many other days of Billy's ability, hard work, and incredible loyalty produced the victory that put Uncle Jack on the path to the New Frontier. He couldn't have found the way without you, Billy. We owe you big for that, and we always will.

On January 3, 1947, Uncle Jack arrived in Washington to take his seat in the House of Representatives. He had driven down overnight from Boston in a snowstorm in Aunt Eunice's Chrysler. Billy met him at the Statler Hotel. Uncle Jack was desperate for breakfast, but Billy said he was late for a Democratic Party Caucus, and Party Leader John McCormack had been calling every ten minutes to find out why he wasn't there.

But Uncle Jack said, "Mr. McCormack has been getting along without me here in Washington for 28 years. He can get along without me for another 15 minutes. Let's go into the drugstore and get some eggs."

Billy spent those first early years with Uncle Jack in Washington. In those days, he lived on the third floor of the house Uncle Jack rented on 31st Street in Georgetown. Billy had his own shower and bath, and he bragged about how often he sneaked into Uncle Jack's closet for a shirt or tie.

One day, Uncle Jack put on a pink shirt, and Billy told him in no uncertain terms, "With your complexion, a pink shirt isn't right. It's too much technicolor." So Uncle Jack took it off and handed it to Billy.

The next day, Billy walked into the room wearing the pink shirt himself. Uncle Jack looked up and said, "Well, I'm glad to see my clothes go with your complexion."

Billy was also one of the first to say to Uncle Jack that a Senate seat was winnable.

And in early 1951, as the Senate race was shaping up, Billy came home to Boston to organize and help out here. And he never left again.

In Washington, he had missed his family, missed his city, and missed his state. I know how you felt, Billy.

But in all the years that followed, Billy never left us. He helped us in all of our campaigns—my campaigns, Teddy's campaigns, Dad's campaign for President—he was always there, with his trademark skill and loyalty and smile—and the legion of friends we called Billy Sutton's army.

As Billy used to say, "Compared to the Boston Irish politicians I grew up with, Jack Kennedy was like a breath of spring." Grampa Fitzgerald didn't like to hear that, but the voters understood it.

And do you know something—if it hadn't been for Billy in those early days, if Sergeant Billy Sutton had taken a different train from Fort Devens that afternoon, the Kennedys might still be in banking, and I wouldn't be here thanking Billy for making all the difference for our family.

The last time President Kennedy saw Billy was at the Boston Armory in October 1963. It was "The New England Salute to the President" Dinner, and President Kennedy came over to spend time with Billy and Marsha and talk about old times.

One of the things Billy and Marsha treasured most was the telegram that President Kennedy sent to their daughter Barbara on her third birthday—May 29, 1963. They had the same birthday, and President Kennedy told her "Congratulations on our birthdays." And ever after, Barbara could show the telegram and say, "My father knew President John F. Kennedy, right from the beginning."

The secret of Billy's success was no secret at all to all of us who knew him. He was Irish to the core. The light in his Irish eyes and his Irish heart and soul was always on. It sparkled in everything he ever did, every story he ever told, every friend he ever made, everything he ever did. When the Kennedys and countless others hear the great Irish anthem, we think of Billy:

When Irish eyes are smiling,
Sure it's like a morn in spring.
In the lilt of Irish laughter,
You can hear the angels sing.

When Irish hearts are happy,
All the world seems bright and gay,
And when Irish eyes are smiling,
Sure they'll steal your heart away.

To Marsha and Barbara and A.J. and all the rest of Billy's wonderful family, on behalf of all the Kennedys, I say today, as others in our family have said so often over the years, "You stole all our hearts away, Billy. We love you, Billy. We miss you, Billy. And we'll always remember you."

HONORING BOB LENT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. KILDEE. Mr. Speaker, it is an honor to rise before you today to pay tribute to a loyal friend and tireless advocate of America's working class citizens. On May 5, 1998, members and friends of the United Automobile, Aerospace, and Agricultural Implement Workers of America will honor Mr. Bob Lent, as he retires from his position as director of Michigan UAW's Region I after many years of dedicated service.

It is nearly impossible to imagine the condition of Michigan's labor movement without the benefit of Bob Lent's insight and leadership. His is a career that has spanned half a century, beginning in 1949, when at the age of 19, he was hired by Dodge Motor Co. as a spray painter. He later left Dodge for the U.S. Army, serving as a paratrooper from 1951 to 1953. Upon his return to civilian life, Bob found employment with Chrysler and reestablished his association with the UAW. As a member of Local 869, Bob served in a number of capacities, including alternate chief steward, trustee chairman, vice president, and a 4-year tenure as president. Bob was appointed as education representative of region 1B in 1972, and became assistant director in 1982. When Region I and Region 1B merged to form a larger, stronger Region 1 in 1983, Bob was elected director, the position he has held to this day.

In addition to his illustrious career with the UAW, Bob has also developed a high degree of respect in the political, educational, and civic arenas as well. He has been a precinct delegate, and serves on Labor Advisory committees at Oakland University in Rochester and Wayne State University in Detroit. He is a life member of the NAACP, serves on the board of directors of the United Way of Pontiac-Oakland County, and the Detroit Area United Foundation.

Mr. Speaker, we in the great state of Michigan are more than proud of our reputation as the automotive capital of the world, having recently celebrated the 100th anniversary of the automobile. Just as we are proud of the product, we are proud and grateful for the men and women who day in and day out work to provide these quality products and bolster our pride. Bob Lent is one of those people. I ask my colleagues to join me in wishing Bob, his wife Earline, and their son Steven, all the best.

TRIBUTE TO VICTIMS OF ARMENIAN GENOCIDE

HON. STEVE R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. ROTHMAN. Mr. Speaker, it is an honor to join my colleagues in commemorating the Armenian Genocide and the solemn memory of the 1.5 million Armenians who lost their lives earlier this century. This is an important day to reflect on the lessons of history and work to avoid the horrors faced by the Armenian people in 1915.

For the CONGRESSIONAL RECORD, I would very much like to submit a letter concerning the Armenian Genocide that I sent to President Bill Clinton. It is my earnest hope that the United States Congress, with President Clinton's determining leadership, will swiftly move to adopt a resolution acknowledging the Armenian Genocide.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 21, 1998.

Hon. WILLIAM J. CLINTON,
President of the United States.

DEAR MR. PRESIDENT: I am writing to you, as a proponent of peace and stability in the Caucasus, to urge your Administration to play an active role in ending Turkey's denial of the Armenian Genocide.

In addition to the clear moral imperative to appropriately recognize and commemorate all instances of Genocide, such a move would serve our own national interests by ensuring that the United States is viewed as an impartial and honest broker in the ongoing Nagorno-Karabagh peace process.

During your 1992 Presidential campaign, you acknowledged the "Genocide of 1915." Your words were welcomed by Armenians and all people of good conscience as a principled stand by a leader committed to resisting the Turkish government's shameful campaign to deny the Armenian Genocide. It is unfortunate that members of your Administration have failed to live up to your own words, issuing ambiguous statements about the "Armenian massacres." I strongly encourage the Administration to use the correct term, genocide, to describe the systematic and deliberate extermination of the Armenian people—a crime against humanity thoroughly documented in our own national archives.

As a nation, we pay a great price for our government's participation in the Turkish government's denial of the Armenian Genocide. As you would surely agree, complicity in the denial of genocide—for any reason, at any time—is simply unacceptable conduct for the world's leading defender of human rights.

The United States' long-standing acquiescence of Turkey's denial was accurately characterized in 1995 by Stanley Cohen, a professor of criminology at Jerusalem's Hebrew University, writing in "Law and Social Inquiry," published by the American Bar Foundation: "The nearest successful example [of collective denial] in the modern era is the 80 years of official denial by successive Turkish governments of the 1915–17 genocide against the Armenians in which some 1.5 million people lost their lives. This denial has been sustained by deliberate propaganda, lying and cover-ups, forging documents, suppression of archives, and bribing scholars. The West, especially the United States, has colluded by not referring to the massacres in the United Nations, ignoring memorial ceremonies, and surrending to Turkish pressures in NATO and other strategic arenas of cooperation."

As I noted, withholding the proper recognition of the Armenian Genocide also significant hinders our nation's ability to help resolve the ongoing conflict over Nagorno-Karabagh. The Administration's assurance of security guarantees for the people of Nagorno-Karabagh are greatly weakened by our government's unwillingess, after 83 years, to acknowledge that a crime of genocide was committed against the Armenian nation. This unwillingness seriously undermines the faith that the people of Karabagh have that the United States will stand up for their rights in the event of renewed Azerbaijani aggression.

Mr. President, very appropriately, you have always stressed that the United States must lead on the question of fundamental freedoms around the world. Your statement on March 25th of this year in the Rwandan

capital was in the proudest tradition of our nation's commitment to human rights. At the Kigali airport, you stated that, "Genocide can occur anywhere. It is not an African phenomenon. We must have global vigilance. And never again must we be shy in the face of evidence."

Mr. President, the evidence of the Armenian Genocide is clear. Now is the time to stand up for justice and help bring an end to Turkey's denial of the Armenian Genocide.

Sincerely,

STEVEN R. ROTHMAN,
Member of Congress.

COMMENDING SHELBY CORBITT VICK

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, today I rise to talk about the value of an excellent education. I would like to tell you about Shelby Vick, a student from my hometown of Fort Collins, Colorado.

Shelby Corbitt Vick was born November 15, 1986 and is the eldest child and only daughter of Joseph James Vick and Patricia Burns Vick. She was born in Fort Collins. She attends St. Joseph Catholic Elementary School as a 5th grader. Shelby has one younger brother, Emmett James Andrew Vick. Emmett is nine years old and was also born in Fort Collins.

Shelby's mother and father both graduated from the University of Texas at Austin. Her mother is a homemaker and volunteers extensively at Shelby's school. Her father is an attorney who practices in Fort Collins and Greeley, Colorado.

Shelby's interests include horseback riding and anything to do with horses. Shelby is a voracious reader. Shelby enjoys playing volleyball and basketball on her school's team. Shelby plans to attend college and become an author writing stories about horses.

Recently Shelby entered a nationwide history essay contest. She has written an exceptional essay which was chosen as the national winner of the 5th Grade American History Essay Contest sponsored by the National Society, Daughters of the American Revolution. Mr. Speaker, I hereby submit Miss Vicki's winning essay for the RECORD and enthusiastically commend it to my colleagues.

"FORTS IN AMERICAN HISTORY"—FORT LARAMIE

(By Shelby Vick)

Fort Laramie is a national historic site in southeastern Wyoming. It was not an ordinary fort. It did not have any walls, moats, or watch towers. A visit to this landmark conjures up images of the old west. This remote site was an important stop for many people, yesterday and today. Now you are invited to travel back in time to a "Grand Old Post".

Fort Laramie, earlier called Fort William, was first built of cottonwood logs by Fitzpatrick and Sublette in 1834. The fort was later moved upstream along the Laramie River and renamed Fort Laramie after Joseph LaRamee. Fort Laramie is on the west bank of the Laramie River, halfway between St. Louis and the West coast.

Fort Laramie attracted many traders. Famous visitors included Kit Carson, Jim Bridger, Buffalo Bill, Brigham Young, Horace Greeley, Colonel William Collins, General Dodge, General Sherman, and Chief Red Cloud. The American Fur Company was using Fort Laramie as a trading post when military authorities, recognizing the need for a chain of forts to protect the settlers, purchased the fort for $4,000.

Plans were drawn up for a traditional "fort" with a blockhouse and stockade to be built. Since lumber had to be hauled from forty miles away, the blockhouses and wall were never built. The only defensive structure at Fort Laramie was the old adobe fort. There were many other structures, including a store, barracks, a corral, a hospital, and a warehouse.

The army recruited many poor and often recent immigrants as soldiers, some paid as little as $13.00 a month. Soldiers found the frontier life boring and isolated, so there were many deserters.

Weather was harsh on the Wyoming plains and it was a greater enemy than the Indians. Summers were very hot. Winters were sometimes bitter with wind temperatures dropping to −40 degrees. Amputations of frozen hands and feet were common.

Fort Laramie is along the Oregon Trail, the Black Hills Gold Rush Trail and is the beginning of the Bozeman Trail. Settlers stopped to get fresh oxen and mules, wash clothes and to mail letters back home. In 1850 over 37,000 settlers registered at Fort Laramie. Everyone rested, wagons were repaired, and food stocks resupplied.

In 1851 over 10,000 Indians (Sioux, Crow, Arapahoe, and Cheyenne) met and agreed upon a peace treaty at Fort Laramie. The tribes could neither fight with each other nor attack settlers. Whites would be allowed to have roads through Indian lands and the government would give the tribes gifts. Annual payments of $50,000 per year for fifty years would be paid to the Indians along with educational programs to help them become farmers.

Fort Laramie served as a Pony Express stop in 1860. In 1861, when the telegraph arrived, the Pony Express ended. When the telegraph was relocated to southern Wyoming, the settlers also took this new route, and left Fort Laramie isolated. In 1863 Bozeman Trail settlers began traveling through Fort Laramie again. The government used military activity along the Bozeman Trail, as a diversion to keep the Indians from interfering with the construction of the Union Pacific Railroad across southern Wyoming.

Fort Laramie was a grand old post with an important place in American history. Fort Laramie's significance as a supply stop in the settling of the American West is unquestioned. Many a soldier and weary traveler found comfort or hardship at this fort. One hundred sixty three years ago travelers and pioneers came to Fort Laramie on horses and in wagons on their journey. Today tourists are coming in cars to understand the fort's past.

Mr. Speaker, education is the key to success for all Americans. Quality education is provided at schools like St. Joseph's Elementary School. St. Joseph's Elementary School was established in 1926 by St. Joseph's Parish. There are 242 students at St. Joseph's and it is the only Catholic elementary school in Fort Collins. The school has published a statement of philosophy which I urge my colleagues to consider.

BASIC PHILOSOPHY OF SAINT JOSEPH SCHOOL

We affirm the purpose of Saint Joseph School is the Christian, intellectual, social and physical growth of each child. Our aim is the development of the total person with Catholic, Christian attitudes and values, and skills fitting him/her for life in our society and in God's Kingdom.

We recognize the need for high academic achievement in our rapidly advancing and complex world and are dedicated to providing the environment best fulfilling this need. We expect our children, reflecting their individual abilities, to achieve in academic areas at a rate equal to or greater than surrounding schools.

We recognize that not all societies and/or communities share in our Christian values and/or belief. We are dedicated to preparing each child for his/her place in our society. It is our desire to instill in each child a working knowledge of the Catholic faith.

Further recognizing our physical nature, we are dedicated to developing the child's physical talents and training him/her to use these talents for the general welfare of society.

With the Second Vatican Council we affirm our conviction that the Catholic School "retains its immense importance in the circumstances of our time" and we recall the duty of Catholic parents "to entrust their children to Catholic Schools when and where this is possible".

Mr. Speaker, St. Joe's is dedicated to educating devoted Christian citizens to contribute to their community. St. Joseph's Elementary School has a strong, demanding curriculum that challenges the students to meet high expectations. The educators along with involved parents continue to produce bright students who are great assets to the northern Colorado community.

Mr. Speaker, it has been my privilege to describe the talent of Miss Vick to my colleagues today. Shelby is a shining example of what a child can do given the proper academic instruction and the best possible upbringing. Obviously, I'm exceedingly proud of her accomplishments and the great work being done by all the good folks at St. Joe's

INTRODUCTION OF THE "WIRE TRANSFER FAIRNESS AND DISCLOSURE ACT OF 1998"

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. GUTIERREZ. Mr. Speaker, immigrants in Chicago and throughout the United States work hard, same money, and send billions of their U.S. dollars to relatives living in foreign countries. The money wiring industry—dominated by giants Western Union and MoneyGram—have emerged as the major vehicle for sending dollars across borders.

Immigrants with family in Mexico are among the primary customers of these services. It is estimated that between $4 and $6 billion is sent annually from the U.S. to Mexico through such wire payments. This figure has an enormous impact on Mexico, as it represents the country's fourth-largest source of income from international sources—trailing only the money

it receives for manufactured goods, oil, and tourism.

Many Mexican immigrants prefer to use the services offered by wire transfer companies rather than postal or other delivery services. Some customers are attracted by the companies, advertisements which promise fast, affordable, convenient service. Others have been dissuaded from sending money through other means after reports began circulating of armed robberies of courier services in Mexico and mail pouches disappearing from Mexican postal branches.

As a result, Western Union and MoneyGram have virtually cornered the market. The two companies—plus a third, Orlandi Valuta which, like Western Union, is owned by the First Data Co.—account for a combined total of more than 90 percent of all transfers.

At first glance, the wire transfer companies appear to represent an attractive option for prospective consumers. In part, this is the result of massive advertising campaigns through which the companies target Latino customers. In such advertisements, companies promise relatively low rates. For instance, one company recently publicized a $12 fee for a $300 transfer to Mexico.

On other occasions, the companies have tried to appear to be even more generous. For instance, following the devastation caused by Hurricane Pauline which struck Mexico in October 1997, Western Union advertised "free" service for concerned family members in the U.S. sending money to help the victims.

However, such promises are grossly misleading. The cost to the consumer is far less reasonable—and certainly not "free."

That is because the companies fail to inform their clients—either in print advertisements, in displays at their establishments, or on forms presented to the customer—that an additional cost will be imposed on the customer and on the recipient in Mexico.

The hidden cost arises from the rate at which the wire transfer companies convert dollars into pesos for their customers, compared to the rate that these companies have had to pay to obtain Mexican currency. While the wire service companies obtain pesos at a rate that closely matches an established benchmark rate, the companies distribute pesos to their customers at a far lower rate.

The difference between those two figures represents a source of additional income to the companies and an additional cost to the consumer—one which is not disclosed.

Before transferring money, many customers research the current benchmark exchange rate to find out how many Mexican pesos can be obtained for their U.S. dollars. However, customers are not informed that the wire transfer companies fail to abide by that benchmark rate, and establish their own conversion scheme allowing them to pocket additional money.

A benchmark exchange rate is set daily by Banco De Mexico. While this figure is an unofficial rate, those entities doing the largest share of business converting U.S. dollars to Mexican pesos—such as major financial institutions, markets, government agencies, and the wire transfer companies—generally receive a rate which closely matches the daily benchmark rate.

On the other hand, Western Union and MoneyGram arbitrarily set a different exchange rate for their customers—one which has been found to routinely vary from the benchmark rate by as much as 12 percent

These "currency conversion fees" allow the companies to post huge profits. According to one analysis of figures, Western Union alone made an additional $130 million based on the conversion scheme—roughly equivalent to the amount that the company made for the service fees.

In other words, this hidden practice allows the company to virtually double the money it is making off of the Mexican community.

The wire transfer companies allege that this is a legitimate and common practice. The fact is, however, that other major companies and institutions which convert dollars into pesos follow more closely the benchmark exchange rate which is set daily by the Banco de Mexico, often matching the benchmark rate exactly when providing services to their customers.

The wire transfer companies are wrong, therefore, when they claim that this represents a "common" business practice.

How does the rate affect an individual customer? One day late last year, the benchmark exchange rate was listed as 8.3 pesos to the dollar. On the same day, both Western Union and MoneyGram were offering customers 7.3 pesos to the dollar. As a result, for every $100 transferred, the customer (or the recipient) would lose an additional $12 dollars—on top of service fees.

This practice targets a particular community. When a comparison is made of transfers to various countries, this practice appears aimed at Mexican immigrants and their families in particular. For example, on a recent occasion, the exchange rate which MoneyGram set to convert U.S. dollars to Mexican pesos was three times more costly than the rate for changing U.S. dollars into Canadian currency.

Specific advertisements (misleading as they are) are aimed at the Mexican market. One MoneyGram advertisement claims (falsely): "Send $300 to Mexico for $14."

The company's tactics in the wake of Hurricane Pauline have been cited as further evidence of a trend of seeking to make additional money by misleading the Mexican-American community.

Lawsuits have been filed in federal court in California claiming the companies have engaged in false advertising and charging hidden fees. Likewise, a class-action lawsuit will also be filed in federal court in Chicago next week.

I am introducing today legislation aimed at curbing the wire transfer companies' tactics which they have used to take advantage of their customers. My legislation would require the wire transfer companies to fully disclose their practices to their customers, thereby making sure that such "hidden" costs are brought to light.

This bill would require companies to list—and to reasonably explain—their own currency conversion rates on all advertisements, forms and receipts provided to customers, and in display windows or at service counters in all establishments offering international wire transfers.

Failure to comply could lead to criminal penalties and civil liabilities of at least $500,000.

I am entitling my bill the "Wire Transfer Fairness and Disclosure Act of 1998." I welcome the support of my colleagues who wish to join me in protecting consumers in our communities.

IN HONOR OF THE ANNANDALE LIONS CLUB

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to pay tribute to the Annandale Lions Club, a truly outstanding organization that has served Annandale, Virginia for fifty years. The Club overcame initial obstacles to become a great fixture in our community, providing valuable support wherever the Lions saw a need.

The Annandale Lions Club received its Charter in 1948 when Annandale was a tranquil rural community. The Club was off to a rocky beginning. By the end of the first year, membership had waned from thirty to twelve members, meeting attendance was poor, and the club's finances were in disarray. The Club's future looked precarious as Lions International District leadership discussed revoking the Club's Charter.

The Club's remaining members, along with several new members rallied in a valiant effort to save the Club. Under the new leadership of Erskine "Erk" Worden as President and Victor Ghent as Secretary-Treasurer, the Club began a legacy of service to the community which continues to this day.

Throughout its fifty year history, the Annandale Lions Club has embraced the Lions philosophy of "We serve". The Club's numerous activities have benefitted youth, community betterment, and healthcare. Noteworthy projects from the early years include providing playground equipment and furnishing a clinic for the old Annandale Elementary School, the endowment of a then-maternity ward at Fairfax Hospital, supplying yellow school patrol raincoats with hats or hoods to twelve or thirteen elementary schools, supplying bleacher seats to Annandale High School when it opened in 1953, and later providing financial help with the athletic field lighting system.

Many projects helped transform rural Annandale to the bustling suburban area it is today. During the early years, the Club provided a map to the local Fire Department to facilitate prompt responses to emergencies. The map was updated yearly to reflect Annandale's rapid growth. In 1959, the Lions embarked on a project to install street signs at all unmarked intersections, until the County began to install street signs County-wide about six years later.

Around 1960, the Annandale Post Office and Annandale Fire Department were in need of a street numbering system to aid in locating houses. Lion Merlin "Mac" McLaughlin, a land-surveyor then in private practice, volunteered to work with the Postmaster to develop a house numbering system for the entire Annandale postal area that could accommodate urban growth. Fairfax County implemented the 9-1-1 system in 1970 requiring that houses be

numbered. Due to the effective system that the Lions Club had created, Annandale was allowed to retain the existing house numbers and the system was expanded throughout the County.

As the community changed and evolved over the years, the Club's service activities have adjusted to meet the changing needs and priorities of the community. Some of the numerous Club projects over the years include sponsoring or co-sponsoring a scout troop, sponsoring ball teams in Little League and Babe Ruth League, constructing the children's playhouse at the Annandale Christian Community for Action's (ACCA) Day Care Center and landscaping the ACCA Elder Care Center, providing Leader Dogs and service dogs to community members, collecting and sending food and clothing to disaster areas around the country, and providing chairs and landscaping to the George Mason Library. In addition, the Annandale Lions Club supports a number of projects benefitting sight and hearing screening and research, including the Virginia Lions Eye Institute for which they recently purchased a Fundus camera to take Fluorescein angiograms of the retina.

Mr. Speaker, I know my colleagues join me in thanking each and every Annandale Lion for their hard work and dedication to helping others in making Annandale a great place to live. I wish the Annandale Lions Club continued success in all of its future endeavors.

TRIBUTE TO PAUL KORBER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. GALLEGLY. Mr. Speaker, I would like to pay tribute today to Paul Korber, a hero who lost his life while saving a mother and her two sons stranded in the rough waters of the Ventura Harbor. Paul Korber, a harbor patrol officer in Ventura County, California, ignored the dangers which took his life to save three others.

The rescue was not an uncommon one for Paul Korber. He often risked his own safety to help those in danger—his job was to save lives. But that day the tides were not in his favor and he died in the line of duty, an unselfish chance he often took.

Paul Korber was known as a fitness advocate and could usually be found on a mountain bike, camping or freediving to spear fish. Paul was a man who embraced life and who enjoyed a good adventure. Friends of Paul Korber have said he was a positive person who was always looking for ways to improve himself, whether it was learning a foreign language or staying physically fit.

But besides being a hero and an athlete, Paul Korber was a success at one of life's biggest challenges—he was a single father. After Paul's wife, Cindy, died of cancer three years ago, Paul was faced with raising his son, Barrett, on his own. Paul and Barrett were very close, taking camping trips, bike riding and fishing together. Paul always found time for his young son, even helping out at Barrett's school.

Paul Korber was a great father, an outstanding athlete, and a hero. His bravery and selflessness will always be remembered with gratefulness by the many lives he saved and with fondness by the many lives he touched.

THE "UNITED STATES PATENT AND TRADEMARK OFFICE AUTHORIZATION ACT, FY 1999"

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. COBLE. Mr. Speaker, today I am pleased to introduce the "United States Patent and Trademark Office Authorization Act for Fiscal Year 1999," which contains the first actual decrease ever in patent user fees for our nation's inventors.

The introduction of this legislation follows a hearing the Subcommittee on Courts and Intellectual Property of the Committee on the Judiciary held last month in exercise of its oversight responsibilities concerning the operations of the U.S. Patent and Trademark Office ("PTO"). The Subcommittee heard testimony from witnesses representing the Administration, PTO users, and PTO employee unions. This hearing covered the PTO's budget, including how its fee revenues are collected and spent, the expiration of the patent surcharge fee, the diversion of PTO funds to other government agencies, and other relevant issues.

The Administration announced that in light of the lapsing of Section 10101 of the Omnibus Budget Reconciliation Act of 1990 ("OBRA"), the patent fees established under subsections 41 (a) and (b) of title 35 of the U.S. Code would revert to their pre-OBRA level. It was stated that, unless adjusted, the fee would fall $131,526,000 short of the amount the PTO needs to execute the program recommended by the President in his FY 1999 budget. To compensate for this reduction in fees revenues, Assistant Secretary of Commerce and Commissioner of Patents and Trademarks Bruce Lehman stated that an increase was needed in the base patent fees in an amount equal to the reduction in revenue which results from the lapsing of the surcharge authority.

While I and other Members of the Subcommittee are very supportive of ensuring that the PTO is adequately funded to provide the services requested by patent and trademark applicants, the Administration's request received by the Subcommittee would actually raise $50 million more than the amount the President stated in his budget the PTO will need in FY 1999. Commissioner Lehman explained that this revenue, along with $66 million from FY 1998, would be used to fund other government agencies and programs. This continuing diversion of PTO fee revenues was strongly opposed by inventors and the trademark community, who pay for patent and trademark applications to fund only the services they receive from the PTO.

The Patent and Trademark Office is 100 percent funded through the payment of application and user fees. Taxpayer support for the operations of the Office was eliminated in 1990 with the passage of OBRA. OBRA imposed a massive fee increase (referred to as a "surcharge") on America's inventors and industry in order to replace taxpayer support the Office was then receiving. The revenues generated by this surcharge were placed into a surcharge account. The PTO was required to request of the Appropriations Committee that they be allowed to use the revenues in the surcharge account to support the portion of its operations these revenues represented. It was anticipated in 1990 that Congress would routinely grant the PTO permission to use the surcharge revenue since it was generated originally from fees paid by users of the patent and trademark systems to support only the cost of those systems.

Unfortunately, the user fees paid into the surcharge account became a target of opportunity to fund other, unrelated, taxpayer-funded government programs. The temptation to use the surcharge, and thus a significant portion of the operating budget of the PTO, was proven to be increasingly irresistible, to the detriment and sound functioning of our nation's patent and trademark systems. Beginning with a diversion of $8 million in 1992, Congress increasingly redirected a larger share of the surcharge revenue, reaching a record level of $54 million in FY 1997. In total, over the past seven fiscal years, over $142 million has been diverted from the PTO to other agencies and programs.

Mr. Speaker, the time has come for Congress to stop diverting the fees of inventors and trademark applicants to fund other taxpayer-funded government programs. Accordingly, in the United States Patent and Trademark Office Authorization Act, FY 1999, I am proposing a schedule of fees that would recover only the amount of money which the Administration has stated it needs to execute the program recommended by the President for the PTO in FY 1999 and FY 2000. This legislation not only fully funds the stated needs of the PTO, it will provide a real decrease in fees paid by patent applicants—the first actual decrease in fees in at least the last fifty years, indeed, perhaps since the patent system was established in 1790.

The decrease in fees provided by this legislation will provide tangible assistance to America's inventors, while ensuring that they get their monies worth, especially since their creativity and ingenuity are so crucial to the welfare of our nation.

I urge my colleagues to join me in authorizing one of our country's most important agencies in a manner that responds fully to both the stated needs of the Office and its users.

TRIBUTE TO BILLY SULLIVAN

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. KENNEDY of Massachusetts. Mr. Speaker, I always thought Billy Sullivan was immortal. And in a way, he was—always larger than life, always a giant in the eyes of our family, and in the eyes of everyone he met.

We miss him very much. We know what an immense loss this is to Mary, to his children Chuck, Billy, Patrick, Jean, Kathleen, and Nancy, to his sisters Tess and Eleanor, to the grandchildren, to the extended family he loved so much, and to all of us as well. Billy Sullivan was a great man who accomplished a great deal in his life. But he could not have risen as high and never gone as far without the enduring love and sustaining support of that beautiful, wonderful Sullivan family.

He was Irish to the core, and it seems obvious that God wanted Billy in Heaven for St. Patrick's Day.

We loved Billy for the little things—the endless, last-minute envelopes in response to our sudden calls, because we all had friends who just had to be at the Patriots game on Sunday.

We know the special place of the Jimmy Fund in Billy's heart and soul. We know how much it meant to him—and we in turn often thought of it as the Billy Fund.

To countless New Englanders, Billy Sullivan was the greatest Patriot of all, and the man who brought pro football to Boston. We'll never forget that bright figure with the map of Ireland on his face pacing up and down the sideline in whichever stadium he happened to be calling home that day.

As a teenager, I remember Billy drenched in Harvard Stadium as the Dolphins played the Patriots in a New England monsoon, the end zone completely under water. I remember cheering for Jim Nance as Billy's great running back set a rushing record in a playoff in Fenway Park.

He meant the world to our family. The Billy Sullivan I remember most was the oil company president who welcomed me with open arms and offered his support and advice when I came to him a quarter century ago with a half-baked plan to help the poor and elderly heat their homes during the winter months.

My Dad used to say, "Some people see things as they are and say why, I dream things that never were and say why not?" That's the way I think of Billy Sullivan, too.

In an industry full of good old boys who didn't particularly want to help a young fellow with a different idea about oil, Billy welcomed me into his office and told me the story of his own impossible dream.

No matter how many defeats he had suffered in life, he always came back, again and again and again. And that trademark smile made you believe that he loved every minute of it—because he knew, if he tried once more, he would finally achieve the happy ending he knew was out there. You could never walk out of Billy's office without believing your own highest dream was possible, too. There could never have been a Citizens Energy Corporation without Billy Sullivan.

I know that Michael felt that way, too, and now they're together in Heaven.

In a very real sense, the man from hard-scrabble Lowell was "Everyman"—living the hard daily struggle of the Irish in his early years, battling the prejudice of "No Irish Need Apply," and never forgetting those glorious roots.

And later, as president of Metropolitan Coal and Oil, Billy understood better than anyone the struggle of so many customers to keep a roof over their heads, put three meals a day on the table, and keep their families warm.

My mother served on the board of NFL Charities with Billy. Once, they worked hard together to obtain the support of other board members for one of Billy's many charities. They succeeded beautifully, and a check was duly prepared for a dramatic presentation at an NFL halftime show.

Until a little problem materialized—it turned out that Billy's project hadn't taken the steps to qualify for a tax deduction. Billy knew there was no problem with the charity—the problem had to be with the IRS.

On another occasion, my mother was at LaGuardia Airport, about to drive to Greenwich, Connecticut, with a lawyer bent on pressing her on a complex legal problem. By chance, Billy arrived on the scene, saw my mother in distress, and insisted on joining her for the long ride to Greenwich. Every time the lawyer tried to bring up the legal problem, Billy the raconteur broke in, launching into yet another wild and funny Sullivan story that left my mother laughing and the lawyer fuming.

In so many ways, Billy was a member of our family, too. He'd regale us with stories about his father's friendship with the Fitzgeralds, with Honey Fitz.

Over the years, during some of the most trying moments of my life, I would get a long, hand-written letter from Billy, offering comfort and wisdom, lighting the way ahead. That was vintage Billy—always guiding, always reaching out, always helping, always caring.

Above all, there was this magnificent family which sustained him and which is his greatest monument of all—Mary, the great joy of his life; Tess and Eleanor, the sisters whose independence and strength he so admired; Chuck and Patrick, who did so much to build the team of his dreams; Jeannie and Kathleen and Nancy, in whom he took such enormous pride; Billy, who made so much difference in his father's final years.

Near the end of "Pilgrim's Progress," there is a passage that tells of the death of Valiant, in words that apply to Billy Sullivan, too:

> Then, he said, I am going to my Father's; and though with great difficulty I am got hither, yet now I do not regret me of all the trouble I have been at to arrive where I am. My sword I give to him that shall succeed me in my pilgrimage, and my courage and skill to him that can get it. My marks and scars I carry with me, to be a witness for me, that I have fought his battle who now will be my rewarder.
>
> When the day that he must go hence was come, many accompanied him to the riverside, into which as he went he said, "Death, where is thy sting?" and as he went down deeper, he said, "Grave, where is thy victory?" So he passed over, and all the trumpets sounded for him on the other side.

We loved you, Billy—we loved your marvelous loyalty, your beautiful love of family, your laugh that could fill our hearts with laughter, too, your giant Irish heart. We miss you, Billy, and we always will.

HONORING MIKE NYE

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. SMITH of Michigan. Mr. Speaker, I rise to join the citizens of Hillsdale and Branch Counties to pay special tribute to our representative in the Michigan legislature.

So many people talk about the kind of leader they want to represent them in government and Mike Nye fits that definition by every measure.

This week, my friends in Hillsdale County will honor Mike Nye for his sixteen years of dedicated leadership in Lansing. They know, as I do, the few people have accomplished more in that time for the people of Michigan.

Mike Nye's retirement from the state legislature is a great loss. As a member of the House, he fought for commonsense legal reform and worked to provide better health care to poor children and was the innovator of reforms that have resulted in a better education system for Michigan. Mike Nye's improvements in court reform, school reform, tort reform, and juvenile justice reform will be a continuing legacy of his knowledge, ability and leadership in the Michigan legislature.

In an era of overheated rhetoric and blatant partisanship, Mike Nye stands out as a conciliator a legislator who brought people together. Mike Nye was often the man people turned to when they needed a leader to finalize and pass legislation.

Mr. Speaker, my colleagues and I here in Washington can learn a lot from the service of Mike Ney. His contributors to public policy are complimented by his and his wife, Marcie's dedication to their community. Marcie's leadership in working in the prison system with her Kids Need Moms program is a great example of their commitment to help people.

I know Mike's future contributions will be just as worthwhile to all of us, regardless of what path he may take. God bless you, Mike and Marcie and good luck.

IN HONOR OF MR. WILFRED "RED" REED

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a wonderful man, Mr. Wilfred "Red" Reed.

Red was the perfect example of a good neighbor and friend. He was the kind of man that was always there when there was a need and was never concerned with drawing attention to his good deeds or claiming credit.

If children needed transportation to a school event or money for necessities, he was the first to make a donation. He had a habit of leaving ripe tomatoes on your door step with no note attached—he simply had more than he needed and wanted to share with others. It made no difference to him who needed assistance—the church, school, community, friends, or neighbors—he was there.

He never had anything but good to say about anyone or anything. If he ever had a negative thought, he kept it to himself.

He brought civility to any conversation or discussion that he was involved in and set a standard for good citizenship that will endure through generations.

Beloved and admired, Red will be missed by the community he lived in and served over these many years.

Of Red, the ultimate compliment can be given: he will be missed because he was a good man, and the world is a better place because he was here.

IN HONOR OF THE NATIONAL TEACHER OF THE YEAR

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to pay tribute to Philip Bigler, the 1998 National Teacher of the Year. Philip is a history teacher at Thomas Jefferson High School for Science and Technology in Alexandria, Virginia.

The National Teacher of the Year Program is the oldest and most prestigious award to attract public attention to excellence in teaching. Philip is truly deserving of this great honor. For almost twenty years, he has captivated students by recreating history in the classroom. His students have experienced a polis of ancient Greece, cases argued before the Supreme Court, and pilgrims on the hajj to Mecca without ever traveling from the classroom. Outside the classroom, Philip's students have discovered history firsthand by interviewing residents of the Soldiers' and Airmen's homes about their experiences in the World Wars. Philip's most significant achievement as a teacher is his ability to instill a lasting love of history. His students learn to appreciate that civilization rests upon the foundations of the past and that they inherit a rich, intellectual legacy.

Philip's inspiration to teach was instilled by teachers from his own school years. His 8th grade teacher Mary Josephine taught him his love of learning, and in high school, a battle-hardened marine, Colonel Ralph Sullivan, showed him the rigor of academics and taught him a thirst for knowledge and reading. His love of history led him to take a break from teaching to serve as the historian at Arlington National Cemetery but his appreciation for the importance of teaching brought him back. He has spent his entire teaching career in the Greater Washington Metropolitan area. Philip and his wife Linda, who is also a teacher, share the great love of educating young minds.

Philip is also an accomplished author and has previously been honored with the Washington Post Agnes Meyer Outstanding Teacher Award, the Hodgson Award for Outstanding Teacher of Social Studies, and has twice been honored with the Norma Dektor Award for Most Influential Teacher from the Students of McLean High School and the United States Capitol Historical Society.

I know my colleagues join me in honoring Philip Bigler. Philip ignites a spark of enlightenment in each of his students, motivates their interest, and cultivates their minds. I have the highest appreciation for his dedication to teaching and inspiring our children.