United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

Vol. 142 WASHINGTON, TUESDAY, APRIL 16, 1996 *No. 48*

House of Representatives

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore [Mr. DICKEY].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
April 16, 1996.

I hereby designate the Honorable JAY DICKEY to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Texas, Mr. SAM JOHNSON, for 5 minutes.

TIME TO CREATE A TAX SYSTEM THAT PROMOTES FREEDOM

Mr. SAM JOHNSON of Texas. Mr. Speaker, I found a statement by Richard E. Byrd, who was speaker of the Virginia House of Delegates from 1908 to 1914, which was the time when the income tax began. He predicted and I quote:

A hand from Washington will be stretched out and placed upon every man's business; the eye of the Federal inspector will be in every man's counting house * * * the law will of necessity have inquisitorial features, * * * it will provide penalties, it will create complicated machinery. Under it men will be haled into courts distant from their homes. Heavy fines imposed by distant and unfamiliar tribunals will constantly menace the taxpayer. An army of Federal inspectors, spies, and detectives will descend upon the State.

Unfortunately, I believe the gentleman's prediction was right.

We in Congress have created a system that has grown from 11,000 to 7 million words, from 14 pages to over 9,000, and now has 480 different tax forms that require an additional 280 forms to describe the first 480. I don't believe this system is either simple or fair.

I will ask anyone to tell me that it is simple and fair when they can explain why 50 different tax experts, given the same return for a family of 4, come back with 50 different answers.

And why does it take over 115,000 IRS agents to enforce this Tax Code. Does anyone realize that there are more IRS agents than are employed by the Environmental Protection Agency, the Occupational Safety and Health Administration, the Food and Drug Administration, and the Drug Enforcement Agency combined.

I have to agree with Fred Goldberg, the IRS Commissioner under George Bush who said:

The IRS has become a symbol of the most intrusive, oppressive, and nondemocratic institution in a Democratic society.

Not to mention overly complex, economically destructive, unprincipled, inefficient, and discriminatory.

Discriminatory because, as stated by Justin Morrill, a Member of this body back in 1866, in this country we neither create nor tolerate any distinction of rank, race, or color, and should not tolerate anything else than entire equality in our taxes.

Even the Founding Fathers were opposed to any politics based on income differences, because they feared it would lead to class warfare. They believed that comity and tolerance among the States and classes were the preconditions for a unified country.

I believe that the current system has divided the Nation because it says, that if you work hard and make a good living you should be punished. To all those who say the current system is fair I would like to point out a recent Readers Digest poll which found that Americans believe that no one should pay more than 25 percent in taxes and that is Federal, State, and local combined. And this feeling was universal across race, economic, and gender lines.

I believe it is time to create a tax system that promotes freedom. Freedom to me means a system that is fair and simple, encourages savings and investment, is efficient, drives the economy, provides opportunity for all and puts more money in your pocket.

That is why we will introduce a resolution to repeal the 16th amendment to the Constitution. The American public will see how destructive our tax system really is. I believe as Abraham Lincoln did that ''with public sentiment, nothing can fail; without it nothing can succeed.'' That is why I call on Congress and the American people to help us pull up the income tax system by its roots and replace it with a system that gives everybody the chance to succeed in attaining the American dream.

ISSUES CONGRESS SHOULD ADDRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. PALLONE] is recognized during morning business for 5 minutes.

Mr. PALLONE. Mr. Speaker, I think many of us know that for the last few weeks we have been in our districts. The House has not been in session until yesterday evening. Of course, it is an opportunity to talk to your constituents on a daily basis and get their input.

What I found overwhelmingly was a feeling on the part of my constituents in my district in New Jersey that this House of Representatives and this Congress under the leadership of Speaker GINGRICH and the Republicans is not getting the job done.

My constituents expressed concerns about health care, whether or not they were going to have affordable health insurance or any health insurance at all; they expressed a great deal of concern about the environment, because we are now getting close to the summer season. My district is very dependent on shore tourism. For the last few years we have seen significant, at least in the last 10 years, we have seen significant improvement in our water quality, and they do not want to see the clock turned back on environmental protection.

They are also concerned about education. Today in my district in New Jersey we vote on the school board elections and the budgets. Property taxes are going up in many municipalities, and there is concern about a lack of State and Federal aid to help and provide property tax relief.

They are also concerned about jobs. They are concerned about whether or not pension, health care benefits, are going to be available, and whether they are going to have a job at all.

I ask the Members of this House, I ask the Speaker, what is it that this Congress under the Republican leadership, under Speaker GINGRICH and the rest of the Republican leadership, have done about any of these issues? And the answer is pretty much nothing.

We are back now for a 6-week session. I understand that the House Republican leadership under Speaker GINGRICH is going to propose some bills that are essentially, in my opinion, nothing but smoke and mirrors, an effort to sort of suggest that they are going to address education, environment, and health care issues, but that they really will not be addressing those issues in a significant way.

Let me just talk a little bit, if I can, about what is missing from this Republican leadership or Gingrich agenda. First of all, the education element. We are continuing to operate now as we have since the beginning of this fiscal year on what we call continuing resolutions. In other words, we have not passed a budget, we have not passed appropriation bills, to keep the Government going, and I know we have had actually at least two Government shutdowns because of the inability, if you will, of the House Republican leadership to pass legislation to keep the Government operating.

But a big part of these continuing resolutions or stopgap spending appropriation measures that have been passed here have actually implemented major cuts in education funding, for title I and other programs that are important to our school districts.

What that means is that when those school districts do not get the education funding to hire teachers or to pay for teachers' salaries or whatever, they either have to lay teachers off, as many have now or give notice of layoffs, or increase their local property taxes to make up the difference.

That is what is happening in the State of New Jersey. Many of our constituents are going to be going to the polls today voting on school board budgets that are higher because they cannot expect the Federal aid that they normally would have. What that means is that property taxes go up for many of them and property taxes are already too high. There has been a lot of talk about taxation by the Republican leadership around here, but they have not mentioned the fact they are actually increasing property taxes because of the cutbacks in education funding.

On the issue of the environment, as you know, next Tuesday, or next Monday I should say, will be Earth Day. We will be celebrating, I believe, the 26th Earth Day. Over the last 25 years, on a bipartisan basis, there were major accomplishments to protect and improve the protection of the environment. Water and air quality have improved. But if you look at the record of this Republican Congress and the Gingrich agenda over the last year, they have tried significantly to turn back the clock on environmental protection. They introduced and passed in this House what I call a dirty water bill, which eliminates a lot of the protections to improve water quality, particularly with regard to enforcement. The spending bills, the same stopgap spending bills that have major negative impacts on education have also had negative impacts on environmental protection, to the point where the EPA cannot do inspections, cannot do cleanup of hazardous waste sites pursuant to the Superfund Program. Grants that would go to municipalities and counties to upgrade sewage treatment, to make sure our water continues to be clean, have been cut back significantly.

What I have always said is it is very nice to have environmental laws on the books, and we do have some good ones, but what is the point if you do not have the money to enforce those laws?

So I would just conclude, Mr. Speaker, and say that this House and this Republican leadership needs to address the real issues that face the American people, and not operate in this smoke and mirrors agenda.

TRIBUTE TO GAIL DOBERT, DEPUTY DIRECTOR, OFFICE OF BUSINESS LIAISON, AND LONGTIME AIDE TO SECRETARY RON BROWN

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New York [Mr. FORBES] is recognized during morning business for 5 minutes.

Mr. FORBES. Mr. Speaker, I thank you for this opportunity. I take the floor today to pay tribute to a young woman, a young woman by the name of Gail Dobert. Gail Dobert was lost by us on April 3 in the tragic airplane crash in Croatia that took the life of Secretary Ron Brown and 33 others. This morning I take the floor to talk about Gail and the promise that Gail represented.

Mr. Speaker, literally tens of thousands of young people come to Washington, DC, every year, with the hope of promise for the excitement and the opportunity to be part of this Government. Whether it is the government of Ronald Reagan or George Bush or Jimmy Carter or Bill Clinton, they come to this town because they are caught up in the excitement of a living and vibrant democracy and wanting very much to be a part of that democracy.

I rise today to pay tribute to Gail. Gail Dobert was a Department of Commerce official. Her family of Moriches, Long Island, a very wonderful family, who described themselves as Kennedy Democrats and said that they are thrilled by Gail's participation in the political process. Along with many of my neighbors on Long Island, I was deeply saddened when we learned of the loss of Gail and Secretary Brown and so many others on that tragic day.

But today we are here to celebrate the life of Gail and what she meant. So many individuals search their whole lives through to try to make a lasting contribution to the world, to their communities, to their Nation. I think it is fair to say that Gail Dobert, in her very short 34 years, made a tremendous contribution, not only to the political process, but enhancing our own democracy and to working for the concerns that brought her to Washington.

Gail was born in Oneonta, NY, on April 12, 1961, the same day that headlines were made when the Russians had somebody orbiting the Earth. She grew up in St. Johns Street in Sayville, Long Island, and, ironically, she died on St. Johns Hill in Croatia. As a Long Islander, she loved the ocean, the warm breezes and the beaches that she came to love after her experiences every summer on Fire Island with her family. Rehoboth Beach, of course, became her favorite getaway beach from the rigors of Washington.

In 1979 she graduated from Connetquot High School in Long Island and left to attend Bucknell University. She was the beloved daughter, a I said, of Ken and Maureen Dobert, two individuals who describe themselves as Kennedy Democrats. She is the devoted sister of Ray and Darla, granddaughter of Helen, and I might add that this family's tragedy has only been enhanced because Gail lost both her grandmother and her grandfather, Maureen's parents, earlier in the year.

She is the adored niece of Regina and James and Elizabeth and cousin to Michael, Jennifer, Christopher, and Janice.

Prior to coming to Washington, Gail worked for Philip Morris and the New

York Daily News to help those two organizations with their summer jobs program that aided economically disadvantaged young people to find employment opportunities during the summer in New York City. Her first job out of Bucknell was as assistant director of public relations here in Washington for the Sheration Hotel chain. She did press, marketing, and events planning. But she could not fight that desire to come up here on Capitol Hill, and finally she landed a job as a senior legislative assistant to Pennsylvania Congressman Gus Yatron, a Democrat of Pennsylvania.

Following President Clinton's election in 1992, the road led Gail to four intense months as deputy director of operations for the inauguration. This appointment came as a result of her diligent and enthusiastic work under Ron Brown during his leadership as head of the Democratic National Committee. She served as budget manager for the Victory '92 Campaign, convention coordinator for all operational events, and corporate fundraiser at the DNC from 1990 to 1992.

After a 5-month recreational hiatus at various beaches in the Caribbean, Gail was persuaded to join Secretary Brown and did so in the Office of Business Liaison at the U.S. Department of Commerce as a confidential aide, deputy director, and, at the time of her unfortunate death, as acting director.

Under Secretary Brown's leadership and working closely with him, Gail helped to develop U.S. business interests abroad, and in fact she was able to organize and coordinate Presidential business development missions to Russia, South America, China, Ireland, India, Turkey, the Middle East, Africa, Bosnia and Croatia. These trade missions promoted export-related activities for specific business ventures by American companies. They developed over $44 billion in American opportunities abroad for businesses.

Mr. Speaker, I ask that the memory of Gail Dobert be recognized by this House and by the Nation at large.

DISTRICT OF COLUMBIA ECONOMIC RECOVERY ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized during morning business for 5 minutes.

Ms. NORTON. Mr. Speaker, as this body is aware, it has imposed a Control Board on the District of Columbia, which has become insolvent. The only reason there are not more cities in this category, of course, is because most cities have States. Nevertheless, New York, Philadelphia, and Cleveland, long before the District became insolvent, themselves became insolvent and had control boards.

Control boards, of course, are necessary, because insolvent cities cannot borrow. One of the first things such cities need to do is to downsize their governments. That is exactly what is happening in the District of Columbia as I speak.

The fact is, however, that every other city that has become insolvent had a dual strategy or they never would have become solvent. The State provided either some direct aid, as in the case of Philadelphia, or a takeover of functions and aid, as in the case of New York City.

The District is a unique entity, and I have proposed a unique bill, the only alternative I can see, that provides any realistic way to counter the serious problems of the capital of the United States.

The unique fact about this city, of course, to face first and foremost, is that it has no State to help it in any way. The Congress, which, of course, has an obligation to help it with a payment in lieu of taxes, because we cannot build on the best land in the District, has not raised the District's Federal payment in 5 years.

Now, costs have gone up enormously in 5 years, so that means that the Federal payment is taking a loss every year that it is not raised. Congress, if anything, made it worse this year by shutting down the Government for a week and by delaying the full Federal payment for 6 months, just digging the hole deeper.

The Congress says the District cannot impose a commuter tax, even though 2 million people come in here using our facilities and walk out everyday without leaving a thin dime to support the city.

If you look at no State to help us, no Federal payment increase in 5 years, no commuter tax, you end up with no way out. It is the obligation of this body, that has constitutional responsibility for the capital of the United States and for every responsible person in this city, to think through how the recovery in fact is going to take place.

Step one is in place. The District is going to reduce its work force by 10,000 people in the next 4 years. That is a 25-percent reduction in its own city government work force. I challenge any Member to show me any government that has had that kind of reduction in so short a period of time. Indeed, the District is halfway there, because of the 10,000 positions that will go, it already has eliminated more than 5,000 of them. And yet this year, before half of the fiscal year was over, the District was down $100 million. You do not get out of insolvency that way.

So yesterday on Tax Day, I introduced the District of Columbia Economic Recovery Act. It adopts the approach that Members on both sides of the aisle want the Congress to adopt, tax cuts for the District of Columbia, rather than direct aid; tax cuts in order to encourage middle income residents who live here now to remain, and others to come.

In other words, the city would be able to support itself the old-fashioned way, because there would be enough middle-income taxpayers to pay for what needs to be paid for. There would be a flat 15 percent rate that would have a progressive effect on the income scale, giving substantial Federal tax reductions to D.C. taxpayers.

By the way, there is much to learn from my bill, I think, for the States. If you want to keep folks in New York, Newark, Chicago, and Los Angeles, perhaps the States should try reducing State income tax on taxpayers that remain in those cities, rather than allowing those cities to become what everybody knows they are becoming as I speak, and that is basket cases.

You cannot afford to have the proud capital of your country become a basket case. You are going to pay one way or another. Let us pay for it by letting D.C. residents keep their own money. There also would be capital gains exemption for D.C. residents who invest in the District of Columbia.

Yes, this is a unique remedy for a uniquely handicapped city. Read this morning's Washington Times editorial, ''A Serious Plan for What Ails the District.''

TRAVEL AND TOURISM IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Wisconsin [Mr. ROTH] is recognized during morning business for 5 minutes.

Mr. ROTH. Mr. Speaker, I congratulate the Speaker for the good job he is doing in the Chair.

The SPEAKER pro tempore. Thank you sir. You are not doing so badly yourself.

Mr. ROTH. Mr. Speaker, I am excited this morning. We now have 219 cosponsors to the Travel and Tourism Partnership Act. That means that we have more than a majority of the Members in the U.S. House of Representatives that have signed onto this legislation, and it is only appropriate that it happened on April 15—tax day. That is the day the American people focus on how much it costs to run their Government.

The American people know that travel and tourism is the second largest industry in America, and it is going to be the largest industry in America in only 4 years. What this means is that one out of every nine Americans who works, works in the travel and tourism industry.

Travel and tourism has only one problem: The people in the industry do not know how powerful they are politically. So the people that work in travel and tourism, that work in our hotels, motels, and our restaurants, small businesses up and down Main Street, America, they work hard and they pay their taxes. They do not do a lot of screaming. So whenever a tax bill comes to pay for more and more taxes, the American Congress puts it on the hard-working people that work in travel and tourism. Because they are so

busy working, they do not have time to demonstrate.

The American people ought to know that every household in America, because of the travel and tourism industry, pays $652 less in taxes. That is right. if you live and own a home anywhere in America, yesterday, on tax day, you paid $652 less in taxes because of this industry, because so many people are employed in this industry. The travel and tourism industry pays a total of $54 billion a year in taxes, and that benefits all Americans.

What has this Congress done? This Congress has closed down the U.S. Travel and Tourism Administration. Travel and tourism is the second largest industry in America and we have stopped advertising. What does every small business person in America know? You have to do some advertising. But Congress said ''We are going to save a few dollars,'' being very myopic, ''and we are going to close down the U.S. Travel and Tourism Administration.''

What I have done is introduce this legislation, and it does not cost 1 dollar in taxes. With this legislation will have the Government and private industry, travel and tourism, working together to let the world know what we have got to offer right here in America.

Every day we can see the benefits of travel and tourism. We had one of our Members here this morning talking about the environment and Earth Day. The money we spend on Earth Day, what will it do? It's just 1 day, where people work on a project, and speak to the TV news in the evening; but the next day it is all forgotten.

Not with travel and tourism. People in travel and tourism are environmentalists every day of the year. Why? It's their business. We want to have clean water. We want to have clean air. We want to make sure we have recreational areas for people to enjoy and to have a healthy environment: All of this means tourism.

I think the U.S. Congress, Mr. Speaker, is waking up to that message, and that is why we have 219 cosponsors on this bill. Very few bills ever get that kind of support.

But the flip side is we have 216 Members of Congress in the House who are not yet signed on. Do they not care about one out of every nine working people in America? I want the travel and tourism industry to contact these Members too. To let them know this is going to be an election issue, and that travel and tourism means jobs.

There are three industries that jobs for the American people will come from the rest of this decade and into the 21st century. What are they? Telecommunications, information technology, and travel and tourism. These are the three great job-producers in America's future.

So when we talk about travel and tourism, we are talking about an industry that is going to produce the jobs that our people need if we are going to have a strong economy.

The U.S. Congress is not going to produce jobs. Travel and tourism produce jobs for one out of every nine working Americans. In only 4 years, 661 million people will be traveling worldwide. Why is that important? Because that number of people will spend more than $585 billion in the process. That is a lot of money to be added to the American economy.

Mr. Speaker, our Travel and Tourism Caucus is the largest caucus in Congress—304 Members. I ask all Members to join this caucus, because travel and tourism is the wave of the future.

THE 104TH CONGRESS AND THE ENVIRONMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from California [Ms. PELOSI] is recognized during morning business for 5 minutes.

Ms. PELOSI. Mr. Speaker, I am pleased to be a cosponsor of the travel and tourism legislation of our colleague from Wisconsin, Mr. ROTH, and wish him much success with it. However, I do take issue with one comment that he made, and that is what he said about Earth Day, that it is a day we go have our press events, make some fuss about Earth Day, and then it is forgotten for the rest of the year.

Maybe that is the approach that some of our colleagues on the Republican side of the aisle, and I am not including Mr. ROTH in that, because I know that is not his attitude, but some of our more extreme Members on the Republican side of the aisle take to Earth Day, but that is not the appropriate approach.

As our colleague mentioned Earth Day, we are preparing for Earth Day, the 26th anniversary of the first Earth Day, which will occur next Monday. I think it is important to make some observations about what has happened in this 104th Congress when it comes to the environment.

The 104th Congress came to Washington with an aggressive anti-environment agenda promoted largely by industry and special interest groups who are determined to turn back 25 years of progress to protect public health, safety and the environment.

The budget cuts proposed by the Gingrich majority in Congress for the Department of Interior and the Environmental Protection Agency are aimed at the heart of our Nation's environmental protection. The two departments with the greatest environmental authority have become the prime targets in the current attack on the environment.

The proposed cut in funding for the EPA is 21 percent below last year's level, and this would seriously affect EPA's enforcement of clean air, clean water, and safe drinking water laws. The Interior appropriations bill included provisions to open Alaska's Tongass National Forest to increased logging and to continue the moratorium on the listing of new endangered species.

The funding for protection of our Nation's wetlands, endangered species, forests and the public lands, must not be sacrificed in favor of short-term profits for miners, grazers, and developers. Programs to protect our Nation's water and air should not be held hostage to budget antics that have left these primary environmental agencies limping through the 1996 fiscal year with only a fraction of the funding needed to function.

Mr. Speaker, I want to call to the attention of our colleagues once again some of the impacts of the extreme Republican cuts on the EPA. Weakened enforcement of environmental laws, including a 40-percent reduction in health and safety inspections of industrial facilities; delayed new standards to protect drinking water, including tap water standards; delayed new and ongoing cleanups at toxic waste sites; rolled-back community right-to-know information about toxic chemicals; created barriers to developing new controls to protect rivers and streams from industrial water pollutants. The Republican approaches have delayed approving pesticides with lower health risks as a safer alternative for farmers, delayed new standards for toxic industrial air pollutants, delayed review of air pollution standards to ensure adequate health protection, delayed studies on how toxic chemicals may impair reproductive development, and studies on how pollution affects high risk populations.

I want to make two observations. The list goes on and on. I am just naming a few that affect EPA. There are others that affect the Department of the Interior and the Department of Justice's enforcement. I make two observations about that list.

One is, Mr. Speaker, as you know, as a colleague on the Subcommittee on Health and Human Services of the Committee on Appropriations, scientists have come before our subcommittee and said that you cannot separate personal health from the health of our environment. Pollution prevention is disease prevention. That makes these cuts foolish cuts, because they are not cutting the budget, they are reducing an investment in public health as well as environmental health.

I want to also call to the attention of our colleagues the release of a report by the California State Senate on environmental protection. The report says, ''Contrary to popular belief, environmental regulations are not a major cause of job losses and declining economic performance.'' The Senate report concludes that environmental laws are not a major cause for the relocation of businesses to other States or countries. According to the report, more jobs are lost from leveraged buyouts and mergers than from controlling pollution.

The American people have the answer: They want a safe and healthy environment. We should follow their lead

and we should live up to their expectations that the Federal Government will ensure their health and safety at all levels.

Mr. Speaker, on that note, I would like to close by saying when we observe Earth Day this year, we should use it to make observations about how far we have come and what is at risk, and we should every day of every year work to protect the environment and health of the American people.

THE NEW LEGISLATIVE AGENDA

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Connecticut [Ms. DELAURO] is recognized during morning business for 5 minutes.

Ms. DELAURO. Mr. Speaker, today Congress returns from a 2-week break, and the Republican majority leader has announced what he calls a new legislative agenda for this Congress. But in fact it is the same old Republican agenda, dressed up with some new rhetoric. Their agenda still fails the fundamental test, which is helping working middle-class families cope with the challenges that they face in their everyday lives.

When I was home during the recent break, I met with constituents in my district who feel that this Congress is simply not doing the job that working families need.

Consider just two issues, health care and pensions. The House passed a health insurance reform bill that should have addressed, I repeat, should have addressed, the problems faced by the millions of Americans who cannot get health insurance because they suffer from a preexisting condition.

I have a preexisting condition. I am a survivor of ovarian cancer. There are not too many businesses that want to include me in their insurance policy because of my prior illness. It would raise the cost of premiums for everyone. So I understand this problem of preexisting condition.

Millions of Americans cannot get health insurance because they suffer from a preexisting condition, or they fear losing their coverage if they lose or they change their jobs. When Congress took up this bill, we had a real opportunity, a real opportunity, to help families in this country by modestly reforming the health insurance industry and meeting the needs of working families.

I was in Wallingford, CT, not too long ago, where I met with a group of construction workers. One of the gentlemen there said to me that he was very, very much concerned about the downsizing of businesses all over the country. He has a child with a terminal illness. He said, ''I stay up nights worrying that if I lose my job, I lose my health care. What do I do about my child's illness and her health care?''

We had an opportunity, and, unforturnately and sadly, the bill that passed the House is a bad bill. It let the American people down, and it will make the health care problem worse.

We had a bipartisan bill sponsored in the Senate by Senator KENNEDY and Senator KASSEBAUM, and in this body, in the House, by Congresswoman MARGE ROUKEMA of New Jersey, a bipartisan bill that took the first steps toward addressing these two very serious problems. Instead of passing that legislation as it is and as the authors thought it best, what happened was that under the banner of reform, the House passed the bill which includes extraneous provisions that raise costs, hurt consumers, and will increase the number of uninsured in this country.

For example, they added medical savings accounts, which are expensive, destructive and bad health care policy. Instead of helping working middle-class families, our Republican colleagues continue to cater to the special interests. The medical savings accounts are a creature of the Golden Rule Insurance Co., headed up by J. Patrick Rooney, who, not by my description, but by the description of a variety of others, including the Wall Street Journal, has indicated that he is the third largest contributor to Republican campaigns.

Medical savings accounts have been added to this bill, causing an enormous problem. Medical savings accounts will take the healthy out of the traditional insurance pool, provide them with a tax break, and leave the insurance pool with only those who are frail and sick, thereby driving up premiums for everyone else. With the rise in those costs of premiums, people will no longer be able to afford them, thereby increasing the number of uninsured.

The American Council of Actuaries, not a liberal group by any stretch of the imagination, indicated that there would be a 61 percent shifting of costs with the medical savings account to those who are now currently insured in a traditional insurance policy, a 61-percent shift in cost.

Working Americans know very, very well, very well, about cost shifting in health care. When people are not insured, that does not go begging, it does not fall into a black hole. Everybody else who is insured picks up the cost. We had an opportunity, and we missed it.

Watch carefully and listen carefully. Do not buy this new rhetoric. Understand what is going on here.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 11 a.m.

Accordingly (at 10 o'clock and 10 minutes a.m.), the House stood in recess until 11 a.m.)

☐ 1100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 11 a.m.

PRAYER

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

As the rain nourishes the Earth, so may Your grace, O God, nourish us in the depths of our souls, our minds, and our hearts. We strive to learn and master new tasks. We absorb the facts and figures of today's world and we have all the resources of the intellect of the generations. Yet on this day we pray that we will heed the needs of our souls, strengthen our inner being in faith, preserve the hope and renewal of our hearts and by so doing walk in love and trust with You, our God, for ever and ever. Amen.

THE JOURNAL

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

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

Mr. DIXON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

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

Mr. DIXON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 335, nays 67, answered ''present'' 1, not voting 28, as follows:

[Roll No. 118]

YEAS—335

Allard	Bishop	Castle
Andrews	Bliley	Chabot
Archer	Blute	Chambliss
Armey	Boehlert	Chenoweth
Bachus	Bonilla	Christensen
Baesler	Bonior	Chrysler
Baker (CA)	Bono	Clement
Baker (LA)	Boucher	Clinger
Ballenger	Brewster	Coble
Barcia	Browder	Coburn
Barr	Brown (OH)	Coleman
Barrett (NE)	Brownback	Collins (GA)
Barrett (WI)	Bryant (TN)	Collins (MI)
Bartlett	Bryant (TX)	Combest
Barton	Bunn	Condit
Bass	Bunning	Conyers
Bateman	Burr	Cooley
Beilenson	Burton	Costello
Bentsen	Callahan	Cox
Bereuter	Calvert	Coyne
Berman	Camp	Cramer
Bevill	Campbell	Crane
Bilbray	Canady	Crapo
Bilirakis	Cardin	Cremeans

Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Evans
Ewing
Fawell
Fields (TX)
Flake
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefner
Herger
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Lantos
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney
Manzullo
Martinez
Mascara
Matsui
McCarthy
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Torres
Torricelli
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Young (FL)
Zeliff

NAYS—67

Abercrombie
Ackerman
Baldacci
Borski
Brown (CA)
Brown (FL)
Clayton
Clyburn
Collins (IL)
DeFazio
Durbin
Engel
Ensign
Everett
Fazio
Filner
Foglietta
Frank (MA)
Gephardt
Geren
Gutierrez
Gutknecht
Hall (OH)
Hastings (FL)
Hefley
Heineman
Hilleary
Hilliard
Jacobs
Klink
LaFalce
Latham
Levin
Lewis (GA)
Longley
Manton
Martini
McDermott
Menendez
Neal
Oberstar
Olver
Pallone
Pastor
Pelosi
Pickett
Pombo
Pomeroy
Rush
Sabo
Schroeder
Sisisky
Skaggs
Stark
Stockman
Tanner
Taylor (MS)
Thompson
Torkildsen
Velazquez
Visclosky
Volkmer
Watt (NC)
Weller
Wynn
Yates
Zimmer

ANSWERED ''PRESENT''—1

Harman

NOT VOTING—28

Becerra
Boehner
Buyer
Chapman
Clay
Dornan
Farr
Fattah
Fields (LA)
Ford
Gibbons
Greenwood
Largent
LaTourette
Markey
McDade
Meek
Myrick
Owens
Richardson
Riggs
Rose
Thornton
Tiahrt
Towns
Vento
Wilson
Young (AK)

☐ 1127

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Carolina [Mr. BALLENGER] come forward and lead the House in the Pledge of Allegiance.

Mr. BALLENGER 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.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, April 16, 1996.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of the certificate of election received from the Honorable Bill Jones, Secretary of State, State of California, certifying that, according to the semi-official returns of the Special Election held on the 26th day of March, 1996, the Honorable Juanita M. McDonald was elected to the Office of Member of the Congress from the Thirty-seventh Congressional District of California.

With warm regards,

ROBIN H. CARLE.

SWEARING IN OF THE HONORABLE JUANITA MILLENDER-MCDONALD, OF CALIFORNIA, AS A MEMBER OF THE HOUSE OF REPRESENTATIVES

The SPEAKER. Will the Member-elect from California, the Honorable JUANITA MILLENDER-MCDONALD, present herself in the well along with the California delegation and raise her hand?

Ms. MILLENDER-MCDONALD appeared at the bar of the House, and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations, you are a Member of the House.

A WELCOME TO THE HONORABLE JUANITA MILLENDER-MCDONALD AS A MEMBER OF THE HOUSE

(Mr. BROWN of California asked and was given permission to revise and extend his remarks.)

Mr. BROWN of California. Mr. Speaker, it is my great honor and privilege this morning, on behalf of the California delegation, to introduce the newest Member of Congress from the State of California. I hope that she will be the first in a series of new Members that will be elected from California.

But before I yield briefly to the minority leader, I would like to note that Gus Hawkins is present to participate in this great activity, and before we begin to praise JUANITA, may I just say about Gus Hawkins, my dear friend for the last 40 to 50 years, that he is the dean of all elected officials in the State of California, having served for 56 years continuously, half in this body and half in the State legislature, of course.

Again, more appropriately, he is the first African-American to be elected from southern California, and this is the latest African-American to be elected from southern California. And I think it is appropriate to note in such a brief period how much history has changed in California.

Mr. Speaker, I yield to the minority leader for any introductory remarks he may wish to make.

Mr. GEPHARDT. Mr. Speaker, thanking Mr. Dean, Members of the House, I rise this morning on behalf of all of my Democratic colleagues and all of my colleagues to welcome the newest Member of the House of Representatives, JUANITA MILLENDER-MCDONALD of California.

Many of our colleagues have begun their careers in local and State, city, town government and built their understanding of their districts and their communities from the bottom up, from the grass roots. But in the gentlewoman from California [Ms. MILLENDER-MCDONALD], we have gained a colleague who has already used her talents as a State lawmaker to become a national leader.

A former school teacher, Ms. MILLENDER-MCDONALD has been an innovator on education policy, pushing for creative reforms in California's inner-city schools, such as better English instruction, tougher standards and

model school-to-work programs. That may be why she was appointed to the National Commission on Teaching in America's Future and the Education Committee of the States, where she serves as a powerful voice for California.

She has also worked to start workshops all across the country to encourage broad education reform.

But education is just one of the issues on which she has made her mark. From her seat in one of California's most diverse assembly districts, she fought for transportation improvements that are creating hundreds of new jobs, for child care, for grandparents raising their grandchildren, for the growth of high-tech business in California, for basic rights for the homeless, and for reform of California's workmen's compensation laws.

When she became chair of California assembly's insurance committee, she was the first woman and the first minority to do so.

When she became chair of the revenue and taxation committee, she was also the first woman to do that. She has blazed a trail of innovation and accomplishment on every issue that she has faced.

My colleagues, not only have we gained a tireless and effective new champion for the 37th District of California, a woman with almost unlimited interests and abilities, we have also gained a sage and experienced legislator, and in keeping with her first career I believe she can teach us a great deal.

Join me now, my colleagues, in welcoming our newest colleague, the gentlewoman from California [Ms. MILLENDER-MCDONALD].

Mr. BROWN of California. I am of course going to yield to the gentlewoman from California [Ms. MILLENDER-MCDONALD] to make a brief response immediately, but are there any other Members from California who would like to say a word? If not, then I would now at this time again present the gentlewoman to talk and invite her under my 1-minute to respond briefly to the welcome that she has just received.

Ms. MILLENDER-MCDONALD. Mr. Speaker, Members, I am honored to represent the outstanding constituents of the 37th Congressional District, a district that mirrors America because it is one of the most diverse districts in the State of California. The constituents of the 37th Congressional District are hard-working and share the same concerns with Americans about crime, jobs, security, taxes, health care, and the future.

My constituents include my family, who have traveled afar to come here today for this very historic event, and I would like to have them acknowledged in the gallery.

My campaign theme was to Choose Hope, and it drew inspiration from my grandchildren, Ayanna Demaris Thomas, and Myles Chandler McDonald. My promise to the constituents was that I would take Choose Hope to Washington because, for me, Hope represents the American agenda that speaks to opportunity to fulfill dreams, quality education, job preparation and training, but expands global work opportunities, job creation through business incentives and transportation projects while maintaining health security for seniors and protection for our children.

I am also going to foster gender equity in health research projects. So I have come today to work with you as a team so that we can all forge an American agenda for all of the people of the United States as well as California in a bipartisan effort. I do welcome your support and thank you so much.

ANNOUNCEMENT BY THE SPEAKER

Mr. SPEAKER. The Chair will take 1-minute speeches.

NO EXCUSE FOR 40-PERCENT TAX RATE ON MIDDLE-INCOME FAMILIES

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

Mr. CHABOT. Mr. Speaker, yesterday millions and millions of Americans paid their taxes all across this country. Unfortunately, most of them found that the Government was taking more and more of their hard-earned dollars, and they were keeping less and less to support their families.

The tax burden on the average American family is outrageous. The total tax bill for an average family is almost 40 percent. Most Americans will spend more on taxes than they do on food, shelter, clothing, health care combined. Think of that; it is unbelievable.

Yesterday, during debate, one of the participants on the other side noted that taxes are what we pay for civilization. Now, I am mystified as to where that bit of wisdom was gleaned. There is no excuse for a 40-percent tax rate on middle-income families. That is not civilization; that is something close to tyranny.

The American people have every right to be upset about high taxes, and we have an obligation to try and change tax and spend Washington. It is time we give tax relief to the American people, and we ought to do it right now.

CFS IS A DEVASTATING INFECTIOUS DISEASE

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

Mr. NADLER. Mr. Speaker, a recently published book, Osler's Web, by Hillary Johnson, charges with impressive evidence that the Federal Center for Disease Control has ignored substantial clinical and epidemiological evidence that chronic fatigue syndrome is a devastating infectious disease caused by a specific virus rather than a psychosomatic illness as the CDC has claimed. Miss Johnson asserts that there is impressive evidence the chronic fatigue syndrome is, in fact, an immunological disease with many of the same characteristics as AIDS, that HHV–6, a virus may be a precipitating factor or a cofactor in CFS and in other immunological diseases, including AIDS, and that distinguished scientists who have come to the same or similar conclusion have been systematically ostracized and denied funding for the research by a snall clique at the Center for Disease Control.

I have already contacted Health and Human Services Secretary Donna Shalala requesting that she investigate these disturbing allegations, and I now urge my colleagues to join me in directing the GAO to look into this matter as well.

TAX DAY IN AMERICA

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

Mr. HEFLEY. Mr. Speaker, the most dreaded day of the year arrived yesterday. It was tax day in America. The Republicans tried to make yesterday a little better by passing a constitutional amendment to require a two-thirds vote to raise taxes.

Unfortunately, the tax and spenders in Congress prevented us from doing that. The liberals praise themselves for having the courage to raise taxes. That's not courage, that's taking the easy way out. That's why we had a record tax increase in 1993. It shouldn't be that easy.

A recent survey showed that 1 percent of Americans believe taxes are too low. By preventing us from passing this tax limitation amendment, the tax lovers in this Congress have defied the will of 99 percent of America.

We could have made yesterday a little better. Instead, the liberals are trying to ensure that every day is tax day in America.

TRIBUTE TO REX CHAO

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

Ms. MOLINARI. Mr. Speaker, last week, a senseless tragedy took from us a great and giving friend. Rex Chao, a student at Johns Hopkins University and an intern in my office, was murdered in very cold blood. It is difficult to not think of Rex in the most alive of terms. He loved being here in the U.S. Capitol, immersed in Government. He was excited by the Republican revolution and he was driven by his love and confidence in our Nation.

My office and I struggled with the most fitting tribute we could give our friend and decided that it should be a 1-

minute speech. Rex would want to be in the middle of partisan debate and elevated discussions concerning the issues we face as Americans. Rex will now be recorded forever in congressional history.

Our debates, our philosophies are important to our democracy. But it is the idealism of young people like Rex that will always guarantee its future. We are grateful he came our way.

HOW ABOUT A FEW JOBS IN AMERICA?

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

Mr. TRAFICANT. Mr. Speaker, the Department of Labor continues to amaze me with these new job listings. Check this out: Box bender ball warper, fish smoker, top screw nut roaster, impregnator, worm picker blank maker, hooker laster. Does that mean there is a hooker quicker job? If that is not enough to file your chapter 7, how about a slime plant operator helper? How about a wax ball knockout worker?

Unbelievable, Mr. Speaker, when American workers become box bending, ball warping, nut roasting top screws, it is evident everybody is getting their fish smoked. How about a few jobs in America? Eight million jobs. What do they pay, Mr. Speaker? Five dollars an hour? I yield back the balance of these jobs.

GEORGE STEPHANOPOULOS HAS IT BACKWARD: FOR PRESIDENT CLINTON, ACTIONS ARE WORDS, AS EVIDENCED BY HIS VETOES

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

Mr. BALLENGER. Mr. Speaker, in the current issue of Time magazine, we have a very interesting quote from George Stephanopoulos, one of Bill Clinton's top aides. He says, ''For this President, words are actions.''

Well, let's examine the record. Here are some interesting words from one of Bill Clinton's campaign commercials: ''I've offered a plan to get the economy moving again, starting with a middle-class tax cut.'' Or, how about these words: ''I would present a 5-year plan to balance the budget.'' And let's not forget these words, again, from the President: ''I have a plan * * * to end welfare as we know it.''

Mr. Speaker, considering the fact that Bill Clinton has vetoed all of these promises, I'm left wondering, What is George Stephanopoulos talking about?

The record is clear. There is no similarity between what Bill Clinton says and what he does.

Obviously, Mr. Stephanopoulos got it backward: For this President actions are words, because his vetoes speak volumes about protecting Washington's values.

EARTH DAY

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

Ms. MCKINNEY. Mr. Speaker, Earth Day will soon be upon us, and under instructions from the Republican National Committee, members from the other side of the aisle will be planting trees in an effort to clean up their well-deserved antienvironmental image. The American people know, however, that the only thing green about the Republican Party is the color of the campaign dollars they receive from big-name polluters.

It is no coincidence, Mr. Speaker, that the Republican majority is still trying to pass legislation to allow oil and gas drilling in the Arctic National Wildlife Refuge in Alaska. GOP coffers have been pumped full of money from the oil and gas industries.

You see, the process is simple: Pump greenbacks into Republican coffers, then pump oil and gas out of fragile ecosystems.

So this coming Earth Day when you see your Republican Member of Congress planting a tree, just think of how scenic the Arctic National Wildlife Refuge will be with oil wells dotting the landscape.

WE MUST PROTECT WORKING CLASS AMERICANS FROM ROBBERY BY THE FEDERAL GOVERNMENT EVERY APRIL 15

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

Mr. SCARBOROUGH. Mr. Speaker, I like trees. I think it is a good idea that we plant more trees. But let us talk about something serious and get beyond partisan bickering. Let us talk about what happened yesterday with the tax vote.

We continue to hear that we are providing tax cuts for the rich, but I have to tell the Members, when I hold my town hall meetings, and I have held 75 over the past year, it is not people making six figures asking for tax cuts, it is working class Americans making $30,000 or less who see every 2 weeks when they are working at Wendy's and they are working at Wal-Mart and they are carrying two or three jobs, that the Federal Government is taking more and more and more of their money.

We have to do something to protect those working class Americans who continue to get robbed by the Federal Government every April 15 and every 2 weeks. That is why I was proud to vote the way I did, and that is why I was disappointed to hear the rhetoric about all these people who are so darned interested in union workers and the working class Americans who will not do what they want them to do, and that is to give them back more of their money so they can invest in their future, their children's education, and put a little bit of money to the side.

CALLING FOR RESTORATION OF SUMMER JOBS PROGRAMS FOR 615,000 DESERVING STUDENTS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I could not help but hear my good friend, the gentleman from Florida, talk about jobs. I just wonder how many of the Republicans are supporting the increase in minimum wage that so many Americans need.

Now there are approximately 53 days left until schools in Houston and across the Nation recess for summer vacation. There will be a crisis of out-of-work young people if this Congress does not restore the Job Training Partnership Act funds for summer youth employment.

The extremist forces in the House have smeared the memory of Dr. Martin Luther King in the month of his death, as he fought for the opportunities for underprivileged young people to find summer work, by eliminating these funds altogether. Eliminated were $867 million in nationwide funding, $9.1 million from my hometown in Houston, TX, alone; in all, leaving some 615,000 underprivileged young people across America without summer jobs that they depend on to support their families and return to school. Fortunately, the Senate has restored most of the funding for this vital program. However, the uncertainty that this program faces due to temporary spending measure after temporary spending measure leaves us in jeopardy.

Mr. Speaker, I simply ask, in 53 days, let us stand for the young people of America. Let us restore the jobs, the 6,000 jobs in Houston, and the $9.1 million.

MINIMUM WAGE INCREASE IS NOT A PANACEA

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

Mrs. SEASTRAND. Mr. Speaker, somehow liberals in this House and the big labor union bosses here in Washington, DC, are convinced that raising the minimum wage will somehow solve the world's problems. The belief in the effectiveness of the minimum wage is a triumph of fantasy over reality, of symbolism over substance.

The proponents of an increased minimum wage argue that Americans need a raise. Well, if Members recall, Mr. Speaker, Republicans tried to give working Americans a raise by giving them a tax cut, and the President said no and vetoed it. Now liberals are falling, and, I might say, those big labor union bosses are falling all over themselves trying to portray themselves as

defenders of the poor, the economically downtrodden. But it is all an act, and Americans know it. Even President Clinton's top economic adviser, Joseph Stieglitz, wrote in an economic textbook that, ''A higher minimum wage does not seem a particularly useful way to help the poor.''

If liberals and those labor bosses were really convinced about the poor and concerned about them, they would support tax relief, that $500 per child tax credit. They would lower interest rates by supporting a balanced budget, and also they would seek economic growth.

LEGISLATION WHICH PROTECTS OUR PLANET SHOULD BE A CONGRESSIONAL PRIORITY

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

Mr. WARD. Mr. Speaker, let me say first for the record that the buying power of the minimum wage is the lowest it has been in 40 years. To deny an increase in the minimum wage is reprehensible.

Mr. Speaker, today I have risen to speak as we approach Earth Day, a day that Americans across the country come together to focus on the environment. I would like to call attention to the atrocious environmental record that the Republican majority has created. At a time when the EPA estimates that nearly 40 percent of the Nation's waters are unfit for fishing and swimming, we would think that clean water would be a priority.

However, Mr. Speaker, the so-called Clean Water Act that the Republican majority passed last year, written mostly by corporate polluters, would create waivers and exemptions from previously established basic standards for our rivers, lakes, streams, and oceans.

In short, protecting our environment means protecting our future. We have been entrusted to provide a future of clean air, lush forests, and clean water for our children and our children's children. Legislation which protects our planet should be a priority, not the Republican majority's laws that have encouraged its destruction.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1202

Mr. SHAW. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1202.

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

There was no objection.

LET US FOCUS NATIONAL EFFORTS ON WINNING THE WAR AGAINST DRUGS

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

Mr. ZELIFF. Mr. Speaker, the gentleman from Illinois, DENNY HASTERT, the gentleman from Florida, JOHN MICA, the gentleman from Indiana, MARK SOUDER, and I just returned from a counternarcotics trip to Mexico, Panama, Colombia, Bolivia, and Peru. We met with various leaders in the antidrug effort, including Peru's President Fujimori and Colombia's National Police Chief Serrano. We also met the brave Americans from several of our Government agencies in those countries, with armed patrols who went into the jungles of Bolivia and Peru where the bulk of the world's coca leaf is grown and processed in primitive drug labs.

We watched as Bolivian antidrug units destroyed a pit where cocaine was made to ship to Colombia and Mexico, and then be shipped into our country. The deadly cocaine and heroin destroying our communities starts in the jungle and ends up in the streets of New Hampshire.

We have people risking and even losing their lives on the front line. We need to get a commitment from our people and our national leaders to refocus our efforts on winning this war. Drugs and crime together are our Nation's No. 1 national security threat. We need to get everybody, from the President and Congress to teachers, parents, and media, talking about this threat to our Nation. We also need a plan that puts a priority on educating our people about the risk of narcotics, that includes treatment for those who are already addicted, as well as sufficient funds for law enforcement interdiction and eradication. We can win the war on drugs if we can put a man on the moon. We need to get moving now.

BEWARE REPUBLICAN EARTH DAY ASSAULT

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

Mr. LEWIS of Georgia. Mr. Speaker, Saturday is Earth Day, a day to celebrate our environment—our Earth—our home. We must protect it; we have no other place to go.

We have a responsibility to make our world a little greener and a little cleaner—to make it safer for our children and unborn generations.

The Republican leadership does not agree.

Republicans passed the dirty water bill. Their Superfund reform lets corporate polluters off the hook. Who benefits? Polluters. Who suffers? Each and every one of us. There is more pollution in the air we breathe, the water we drink, the food we eat.

The American people know what you are doing. They have seen the Republican assault on our environment—and they are worried. Be careful with your publicity stunts this Earth Day—the American people will not be fooled.

AMERICA'S ENVIRONMENTAL PROBLEMS CAN BE SOLVED ONLY AT THE STATE AND COMMUNITY LEVEL

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

Mr. HAYWORTH. Mr. Speaker, let me assure my good friend, the gentleman from Georgia, that after the hue and cry and the celebrations this Earth Day, many committed conservatives will stand there to clean up the mess left by so many so-called environmentalists.

It is interesting to hear the lines provided today, Mr. Speaker, from our friends on the liberal side, their carefully crafted scripts engaging in playground taunts. Let me state unequivocally and for the record that the new majority is in favor of clean air and clean water, and yes, restoring balance to our laws, recognizing that Phoenix is not the same as Philadelphia, or that Flagstaff is not the same as Fargo, ND, and relying on people on the front lines to solve their problems in the 50 States where there are departments of environmental quality, and in the communities, understanding that there are differences.

The key to solving the problem, Mr. Speaker, resides with the American people, not with the Washington bureaucrats, and no amount of name-calling can change that fact.

□ 1200

REPUBLICAN THREATS TO THE ENVIRONMENT

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

Mr. JACKSON of Illinois. Mr. Speaker, the founder of the annual April 22 Earth Day, former Senator Gaylord Nelson, said the record of the 104th Congress shows this to be the worst environmental Congress ever. The majority leadership in this body has attempted to roll back years of environmental progress to provide favors for its special interest friends.

Because of budget cuts by the majority in this Congress, the Environmental protection Agency has missed thousands of inspections and enforcement actions. This same majority has shifted costs from polluters to taxpayers, while cleanups have been slowed at 400 toxic waste sites and stopped at 60 Superfund sites. Because funds to implement six administrative rules have been cut, hundreds of millions of pounds of pollution entered our water supply that could have been prevented.

While never aggressively pursued, adequately funded or fully enforced,

our environmental laws were working. Yet, there is much to be done. It is time for the majority in the 104th Congress to clean up its environmental act.

PAYING MORE AND GETTING LESS

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

Mr. MICA. Mr. Speaker, we have heard the other side bash the Republicans about environmental policy. Unfortunately they do not want to deal with the facts.

We heard them mention 40 percent of the streams still polluted in the country, or whatever percentage. That is under current law. Let us look at Superfund, one of their great examples that they want to protect as we do now. Over 2,000 sites have been identified for hazardous waste. How many have been cleaned up? Just a handful, less than 70, at a cost of billions of dollars.

Where does 85 percent of the money go? For attorneys fees and for studies. That is what we are talking about here. We are talking about paying more and getting less.

Of the sites that were cleaned up, a GAO report last year said the sites were chosen on the basis of political pressure, those few sites that did not address public health, safety or welfare. So they want to pay more and get less. They want to protect the 6,000 bureaucrats in Washington, DC, and EPA just down the street from here, who have not cleaned up a hazardous waste site and would not recognize one if it hit them in the face.

THE EXTREME REPUBLICAN MEAN-SPIRITED AGENDA

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

Mr. ENGEL. Mr. Speaker, it has been 16 months since the Republicans have taken over Congress, and what have we gotten for it? We have gotten an extreme agenda that hurts the middle class.

The previous Speaker showed why the environment is so important and how the Republican majority is doing nothing to help the environment. We have Medicare cuts and Medicaid cuts that hurt our senior citizens. We have the largest education cuts in American history. Let me say that again, the largest education cuts in American history. As we approach Earth Day, we find cuts in the environment, cuts in environmental enforcement, allowing the polluters to continue to pollute.

They use the code word ''balance.'' That means let us let industry continue to pollute. They hurt the middle class. They want to keep corporate welfare. This is what the agenda was all about yesterday.

They talk about tax relief. We have rules in this House that we passed, much-heralded rules saying that there needs to be a supermajority in order to raise taxes, and the Republicans have waived those rules three times.

Let us stop the nonsense. Let us stop hurting the middle class with the extreme Republican mean-spirited agenda.

CALL FOR A MINIMUM WAGE BILL

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

Mr. VOLKMER. Mr. Speaker, yesterday this House spent several hours on legislation everybody knew that was not going to go anywhere, was not going to pass and even if it did, it would not have any effect on anybody in this country for years to come because it would have to be ratified by the States.

But we Democrats are asking the leadership of the Republicans, Speaker GINGRICH and the radical Republicans, to bring forward legislation that will help millions of people in this country now, and that is an increase in the minimum wage. The minimum wage today is the buying power of what it was 40 years ago. Many people out in my district work for the minimum wage. They need an increase in the minimum wage.

I ask the Speaker and his radical Republicans, let us bring forth a minimum wage bill that will be helpful to the people of this country. Let us not continue to work on legislation that will have no effect and will not help anybody. Let us do a minimum wage bill.

ENVIRONMENTAL STEWARDSHIP

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

Mr. COX of California. Mr. Speaker, Earth Day is coming, and if we are serious about protecting the planet, we are going to have to work together as Democrats and Republicans, as Americans and as citizens of this planet Earth to achieve the results that we all say that we are in favor of.

It is not going to work to say Republicans or Democrats, this and that. We have 60 Superfund sites where work has stopped. We have some 2,000 Superfund sites, 1,300 of which we have not even gotten to. If we are serious about this, we will stop spending billions of dollars, $5 billion out of the last $15 billion, on nothing but litigation and bureaucracy.

Superfund reform is bipartisan. Republicans favor it, Democrats favor it, and we need to pass it if we are serious about cleaning up toxic waste sites. If we are serious about protecting our rain forests and our savannas, then perhaps you will wish to sponsor the Rain Forest and Savanna Protection Act that I will soon be introducing, that will condition World Bank, IMF, bilateral, and multilateral foreign aid to countries that ought to be responsible for protecting our rain forests and savannas on sound environmental stewardship.

RNC GOOFS ON TAX AND SPEND WORK SHEET

(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, yesterday, as we know, the tax and spend work sheet went out all over the country. One was sent to my district from the National Republican Congressional Committee.

It says here, ''Neil Abercrombie's Tax and Spend Work Sheet.'' The only problem is that they forgot to white out Representative KAREN THURMAN's name at the bottom. They were using a generic one-size-fits-all work sheet for everybody in the country, and they are so stupid that they put somebody else's name on my work sheet. They do not know the difference between Hawaii and Florida.

So when they ask me about taxing and spending, I say, ''I don't know, ask the Republican National Committee. They're the ones that put out Representative KAREN THURMAN's work sheet for my work sheet.''

They say they want to represent the values of the people of the First District of Hawaii. Well, I am in good shape to do that. I do not live in Florida. Why do you not go down to Florida and check with Representative KAREN THURMAN the next time you want to do that?

They told me this campaign was going to be nasty but they did not say it was going to be foolish as well.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 789

Mr. DURBIN. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 789.

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

There was no objection.

ENVIRONMENTAL RECORD OF 104TH CONGRESS

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

Mr. DURBIN. Mr. Speaker, with Earth Day coming up, it is time to reflect on the environmental record of the 104th Congress. Do you recall, during the heyday of the Gingrich revolution, when in one appropriation bill the Gingrich Republicans put in a 28-page amendment which eliminated 14 environmental protection laws they considered unnecessary?

Let me give some examples. The law which says the Federal Government will monitor the presence of arsenic in drinking water, the Republicans say that is unnecessary.

Another law which said that one industry, a special interest group, the cement kiln industry, would have a waiver of air pollution standards, the Republicans said, that is a good idea. Well, that amendment passed with the Gingrich Republicans' support, and after 3 separate efforts, 35 moderate Republicans finally took all the heat they could at home and decided to join the Democrats and repeal it.

Since then, the gentleman from Georgia [Mr. GINGRICH] has tried to get an awful lot greener. Every time he has come to the floor, he has talked about saving the environment, but the American people know better. You have to put money in the Environmental Protection Agency to protect the purity of the water we drink and the safety of the air that we breathe.

ENVIRONMENTAL PROTECTION

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

Mr. PALLONE. Mr. Speaker, I just wanted to comment on some of the comments that were being made on the other side of the aisle by Republicans about Earth Day and progress on the environment.

It is certainly true that a lot more needs to be done on environmental protection, whether it is cleaner air or cleaning up more of the hazardous wastesites under the Superfund Program. But to suggest that the answer to that or the way to do that is to cut back on the number of people who work for the EPA, or to cut back on the investigators and those who go out and enforce the existing environmental laws, or to weaken those laws so that they do not provide as much environmental protection, well, that makes no sense at all.

If you are concerned about the environment, you do not turn the clock back 25 years on a bipartisan basis in this House and the Senate and in the Presidency to try and improve environmental quality and to increase enforcement. That is what Speaker GINGRICH and the Republican leadership are trying to do here in this House. They are trying to turn back the clock.

They are saying we do not need the people to do the investigation, we do not need the enforcers. We are going to let industry do its own thing. The bottom line is that you are not going to improve the quality of this Nation's environment unless you do more to protect the environment, have stronger laws, and have better enforcement. That is what we need.

That is not what is happening here. Unfortunately, we are leading up to Earth Day this year with this Republican leadership working in the opposite direction.

NEW REPUBLICAN AGENDA IS SAME OLD GAME PLAN

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

Ms. DELAURO. Mr. Speaker, recently the gentleman from Texas [Mr. ARMEY], the Republican leader, unveiled what he calls a, quote, new agenda for this Congress. But in fact what we really have in this new agenda is the same old Republican game plan of hurting working families and the health and safety of working families while bailing out the special interests.

At a minimum, the hardworking families of this country should be able to count on the Congress to protect the public health, but this Congress has been a polluter's dream come true. During the 104th Congress, Republicans invited polluters to rewrite the Clean Water Act. They also proposed letting big companies off the hook for cleaning up hazardous waste that they dumped.

The House Republican leadership has insisted on deep cuts in environmental protection, halting cleanups in many areas. They have also encouraged their folks to let people know that they are environmentally conscious, and then they say, ''go plant a tree, go hug a tree, go to a zoo, that will make people think you are environmentally conscious.''

Do not be fooled by the phony agenda the Republicans have unveiled. It is a sad attempt to mask the truth. After almost a year and a half of failure, the Gingrich Congress continues to pursue an agenda that puts the needs and the health of Americans at risk.

REPUBLICAN TURNAROUND ON ENVIRONMENT COMES TOO LATE

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

Mr. MILLER of California. Mr. Speaker, after a year of the most comprehensive and concentrated attack on the basic environmental laws of this country, the Speaker of this House and the majority leader of the Republican Party believe that they can turn around a record and con the American people into believing that all of a sudden the Republican caucus in the House is in favor of environmental protection. It simply will not wash.

After a year of voting against clean air and clean water, voting against Superfund liability, voting against the Endangered Species Act, voting to eviscerate wilderness areas of this country, you will not turn around America's image of the Republican caucus in this House by recycling batteries or reauthorizing the Coastal Zone Management Act. It takes more than that to protect the environment, and it takes more than that to turn around the image the American public have of the Republicans and the environment.

They have tired to destroy the laws, and now they are trying to hide the record because they are reading the polls and the election results in November.

COMMUNICATION FROM THE HONORABLE STEVEN SCHIFF, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable STEVEN SCHIFF, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 4, 1996.

Hon. NEWT GINGRICH,
Speaker of the House, The Capitol, Washington, DC.

DEAR MR. SPEAKER: this is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that four members of my Albuquerque District Office have been served with subpoenas issued by the Second Judicial District Court (Bernalillo County, New Mexico) in the case of New Mexico v. Martin.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

STEVEN SCHIFF.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

□ 1215

TAXPAYER BILL OF RIGHTS 2

Mrs. JOHNSON of Connecticut. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2337) to amend the Internal Revenue Code of 1986 to provide for increased taxpayer protections, as amended.

The Clerk read as follows:

H.R. 2337

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Taxpayer Bill of Rights 2''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

TITLE I—TAXPAYER ADVOCATE

SEC. 101. ESTABLISHMENT OF POSITION OF TAXPAYER ADVOCATE WITHIN INTERNAL REVENUE SERVICE.

(a) GENERAL RULE.—Section 7802 (relating to Commissioner of Internal Revenue; Assistant Commissioner (Employee Plans and Exempt Organizations)) is amended by adding at the end the following new subsection:

''(d) OFFICE OF TAXPAYER ADVOCATE.—

''(1) IN GENERAL.—There is established in the Internal Revenue Service an office to be known as the 'Office of the Taxpayer Advocate'. Such office shall be under the supervision and direction of an official to be known as the 'Taxpayer Advocate' who shall be appointed by and report directly to the Commissioner of Internal Revenue. The Taxpayer Advocate shall be entitled to compensation at the same rate as the highest level official reporting directly to the Deputy Commissioner of the Internal Revenue Service.

''(2) FUNCTIONS OF OFFICE.—

''(A) IN GENERAL.—It shall be the function of the Office of Taxpayer Advocate to—

''(i) assist taxpayers in resolving problems with the Internal Revenue Service,

''(ii) identify areas in which taxpayers have problems in dealings with the Internal Revenue Service,

''(iii) to the extent possible, propose changes in the administrative practices of the Internal Revenue Service to mitigate problems identified under clause (ii), and

''(iv) identify potential legislative changes which may be appropriate to mitigate such problems.

''(B) ANNUAL REPORTS.—

''(i) OBJECTIVES.—Not later than June 30 of each calendar year after 1995, the Taxpayer Advocate shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the objectives of the Taxpayer Advocate for the fiscal year beginning in such calendar year. Any such report shall contain full and substantive analysis, in addition to statistical information.

''(ii) ACTIVITIES.—Not later than December 31 of each calendar year after 1995, the Taxpayer Advocate shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the activities of the Taxpayer Advocate during the fiscal year ending during such calendar year. Any such report shall contain full and substantive analysis, in addition to statistical information, and shall—

''(I) identify the initiatives the Taxpayer Advocate has taken on improving taxpayer services and Internal Revenue Service responsiveness,

''(II) contain recommendations received from individuals with the authority to issue Taxpayer Assistance Orders under section 7811,

''(III) contain a summary of at least 20 of the most serious problems encountered by taxpayers, including a description of the nature of such problems,

''(IV) contain an inventory of the items described in subclauses (I), (II), and (III) for which action has been taken and the result of such action,

''(V) contain an inventory of the items described in subclauses (I), (II), and (III) for which action remains to be completed and the period during which each item has remained on such inventory,

''(VI) contain an inventory of the items described in subclauses (II) and (III) for which no action has been taken, the period during which each item has remained on such inventory, the reasons for the inaction, and identify any Internal Revenue Service official who is responsible for such inaction,

''(VII) identify any Taxpayer Assistance Order which was not honored by the Internal Revenue Service in a timely manner, as specified under section 7811(b),

''(VIII) contain recommendations for such administrative and legislative action as may be appropriate to resolve problems encountered by taxpayers,

''(IX) describe the extent to which regional problem resolution officers participate in the selection and evaluation of local problem resolution officers, and

''(X) include such other information as the Taxpayer Advocate may deem advisable.

''(iii) REPORT TO BE SUBMITTED DIRECTLY.—Each report required under this subparagraph shall be provided directly to the Committees referred to in clauses (i) and (ii) without any prior review or comment from the Commissioner, the Secretary of the Treasury, any other officer or employee of the Department of the Treasury, or the Office of Management and Budget.

''(3) RESPONSIBILITIES OF COMMISSIONER.—The Commissioner of Internal Revenue shall establish procedures requiring a formal response to all recommendations submitted to the Commissioner by the Taxpayer Advocate within 3 months after submission to the Commissioner.''

(b) CONFORMING AMENDMENTS.—

(1) Section 7811 (relating to Taxpayer Assistance Orders) is amended—

(A) by striking ''the Office of Ombudsman'' in subsection (a) and inserting ''the Office of the Taxpayer Advocate'', and

(B) by striking ''Ombudsman'' each place it appears (including in the headings of subsections (e) and (f)) and inserting ''Taxpayer Advocate''.

(2) The heading for section 7802 is amended to read as follows:

''SEC. 7802. COMMISSIONER OF INTERNAL REVENUE; ASSISTANT COMMISSIONERS; TAXPAYER ADVOCATE.''

(3) The table of sections for subchapter A of chapter 80 is amended by striking the item relating to section 7802 and inserting the following new item:

''Sec. 7802. Commissioner of Internal Revenue; Assistant Commissioners; Taxpayer Advocate.''

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

SEC. 102. EXPANSION OF AUTHORITY TO ISSUE TAXPAYER ASSISTANCE ORDERS.

(a) TERMS OF ORDERS.—Subsection (b) of section 7811 (relating to terms of Taxpayer Assistance Orders) is amended—

(1) by inserting ''within a specified time period'' after ''the Secretary'', and

(2) by inserting ''take any action as permitted by law,'' after ''cease any action,''.

(b) LIMITATION ON AUTHORITY TO MODIFY OR RESCIND.—Section 7811(c) (relating to authority to modify or rescind) is amended to read as follows:

''(c) AUTHORITY TO MODIFY OR RESCIND.—Any Taxpayer Assistance Order issued by the Taxpayer Advocate under this section may be modified or rescinded—

''(1) only by the Taxpayer Advocate, the Commissioner of Internal Revenue, or the Deputy Commissioner of Internal Revenue, and

''(2) only if a written explanation of the reasons for the modification or rescission is provided to the Taxpayer Advocate.''

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

TITLE II—MODIFICATIONS TO INSTALLMENT AGREEMENT PROVISIONS

SEC. 201. NOTIFICATION OF REASONS FOR TERMINATION OF INSTALLMENT AGREEMENTS.

(a) TERMINATIONS.—Subsection (b) of section 6159 (relating to extent to which agreements remain in effect) is amended by adding at the end the following new paragraph:

''(5) NOTICE REQUIREMENTS.—The Secretary may not take any action under paragraph (2), (3), or (4) unless—

''(A) a notice of such action is provided to the taxpayer not later than the day 30 days before the date of such action, and

''(B) such notice includes an explanation why the Secretary intends to take such action.

The preceding sentence shall not apply in any case in which the Secretary believes that collection of any tax to which an agreement under this section relates is in jeopardy.''

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 6159(b) is amended to read as follows:

''(3) SUBSEQUENT CHANGE IN FINANCIAL CONDITIONS.—If the Secretary makes a determination that the financial condition of a taxpayer with whom the Secretary has entered into an agreement under subsection (a) has significantly changed, the Secretary may alter, modify, or terminate such agreement.''

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date 6 months after the date of the enactment of this Act.

SEC. 202. ADMINISTRATIVE REVIEW OF TERMINATION OF INSTALLMENT AGREEMENT.

(a) GENERAL RULE.—Section 6159 (relating to agreements for payment of tax liability in installments) is amended by adding at the end the following new subsection:

''(c) ADMINISTRATIVE REVIEW.—The Secretary shall establish procedures for an independent administrative review of terminations of installment agreements under this section for taxpayers who request such a review.''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 1997.

TITLE III—ABATEMENT OF INTEREST AND PENALTIES

SEC. 301. EXPANSION OF AUTHORITY TO ABATE INTEREST.

(a) GENERAL RULE.—Paragraph (1) of section 6404(e) (relating to abatement of interest in certain cases) is amended—

(1) by inserting ''unreasonable'' before ''error'' each place it appears in subparagraphs (A) and (B), and

(2) by striking ''in performing a ministerial act'' each place it appears and inserting ''in performing a ministerial or managerial act''.

(b) CLERICAL AMENDMENT.—The subsection heading for subsection (e) of section 6404 is amended—

(1) by striking ''ASSESSMENTS'' and inserting ''ABATEMENT'', and

(2) by inserting ''UNREASONABLE'' before ''ERRORS''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to interest accruing with respect to deficiencies or payments for taxable years beginning after the date of the enactment of this Act.

SEC. 302. REVIEW OF IRS FAILURE TO ABATE INTEREST.

(a) IN GENERAL.—Section 6404 is amended by adding at the end the following new subsection:

''(g) REVIEW OF DENIAL OF REQUEST FOR ABATEMENT OF INTEREST.—

''(1) IN GENERAL.—The Tax Court shall have jurisdiction over any action brought by a taxpayer who meets the requirements referred to in section 7430(c)(4)(A)(iii) to determine whether the Secretary's failure to abate interest under this section was an abuse of discretion, and may order an abatement, if such action is brought within 180 days after the date of the mailing of the Secretary's final determination not to abate such interest.

''(2) SPECIAL RULES.—

''(A) DATE OF MAILING.—Rules similar to the rules of section 6213 shall apply for purposes of determining the date of the mailing referred to in paragraph (1).

''(B) RELIEF.—Rules similar to the rules of section 6512(b) shall apply for purposes of this subsection.

''(C) REVIEW.—An order of the Tax Court under this subsection shall be reviewable in the same manner as a decision of the Tax Court, but only with respect to the matters determined in such order.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to requests for abatement after the date of the enactment of this Act.

SEC. 303. EXTENSION OF INTEREST-FREE PERIOD FOR PAYMENT OF TAX AFTER NOTICE AND DEMAND.

(a) GENERAL RULE.—Paragraph (3) of section 6601(e) (relating to payments made within 10 days after notice and demand) is amended to read as follows:

''(3) PAYMENTS MADE WITHIN SPECIFIED PERIOD AFTER NOTICE AND DEMAND.—If notice and demand is made for payment of any amount and if such amount is paid within 21 calendar days (10 business days if the amount for which such notice and demand is made equals or exceeds $100,000) after the date of such notice and demand, interest under this section on the amount so paid shall not be imposed for the period after the date of such notice and demand.''

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 6601(e)(2) is amended by striking ''10 days from the date of notice and demand therefor'' and inserting ''21 calendar days from the date of notice and demand therefor (10 business days if the amount for which such notice and demand is made equals or exceeds $100,000)''.

(2) Paragraph (3) of section 6651(a) is amended by striking ''10 days of the date of the notice and demand therefor'' and inserting ''21 calendar days from the date of notice and demand therefor (10 business days if the amount for which such notice and demand is made equals or exceeds $100,000)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply in the case of any notice and demand given after December 31, 1996.

SEC. 304. ABATEMENT OF PENALTY FOR FAILURE TO MAKE REQUIRED DEPOSITS OF PAYROLL TAXES IN CERTAIN CASES.

(a) IN GENERAL.—Section 6656 (relating to failure to make deposit of taxes) is amended by adding at the end the following new subsections:

''(c) EXCEPTION FOR FIRST-TIME DEPOSITORS OF EMPLOYMENT TAXES.—The Secretary may waive the penalty imposed by subsection (a) on a person's inadvertent failure to deposit any employment tax if—

''(1) such person meets the requirements referred to in section 7430(c)(4)(A)(iii),

''(2) such failure occurs during the 1st quarter that such person was required to deposit any employment tax, and

''(3) the return of such tax was filed on or before the due date.

For purposes of this subsection, the term 'employment taxes' means the taxes imposed by subtitle C.

''(d) AUTHORITY TO ABATE PENALTY WHERE DEPOSIT SENT TO SECRETARY.—The Secretary may abate the penalty imposed by subsection (a) with respect to the first time a depositor is required to make a deposit if the amount required to be deposited is inadvertently sent to the Secretary instead of to the appropriate government depository.''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to deposits required to be made after the date of the enactment of this Act.

TITLE IV—JOINT RETURNS

SEC. 401. STUDIES OF JOINT RETURN-RELATED ISSUES.

The Secretary of the Treasury or his delegate and the Comptroller General of the United States shall each conduct separate studies of—

(1) the effects of changing the liability for tax on a joint return from being joint and several to being proportionate to the tax attributable to each spouse,

(2) the effects of providing that, if a divorce decree allocates liability for tax on a joint return filed before the divorce, the Secretary may collect such liability only in accordance with the decree,

(3) whether those provisions of the Internal Revenue Code of 1986 intended to provide relief to innocent spouses provide meaningful relief in all cases where such relief is appropriate, and

(4) the effect of providing that community income (as defined in section 66(d) of such Code) which, in accordance with the rules contained in section 879(a) of such Code, would be treated as the income of one spouse is exempt from a levy for failure to pay any tax imposed by subtitle A by the other spouse for a taxable year ending before their marriage.

The reports of such studies shall be submitted to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate within 6 months after the date of the enactment of this Act.

SEC. 402. JOINT RETURN MAY BE MADE AFTER SEPARATE RETURNS WITHOUT FULL PAYMENT OF TAX.

(a) GENERAL RULE.—Paragraph (2) of section 6013(b) (relating to limitations on filing of joint return after filing separate returns) is amended by striking subparagraph (A) and redesignating the following subparagraphs accordingly.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 403. DISCLOSURE OF COLLECTION ACTIVITIES.

(a) IN GENERAL.—Subsection (e) of section 6103 (relating to disclosure to persons having material interest) is amended by adding at the end the following new paragraph:

''(8) DISCLOSURE OF COLLECTION ACTIVITIES WITH RESPECT TO JOINT RETURN.—If any deficiency of tax with respect to a joint return is assessed and the individuals filing such return are no longer married or no longer reside in the same household, upon request in writing by either of such individuals, the Secretary shall disclose in writing to the individual making the request whether the Secretary has attempted to collect such deficiency from such other individual, the general nature of such collection activities, and the amount collected. The preceding

sentence shall not apply to any deficiency which may not be collected by reason of section 6502.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to requests made after the date of the enactment of this Act.

TITLE V—COLLECTION ACTIVITIES

SEC. 501. MODIFICATIONS TO LIEN AND LEVY PROVISIONS.

(a) WITHDRAWAL OF CERTAIN NOTICES.—Section 6323 (relating to validity and priority against certain persons) is amended by adding at the end the following new subsection:

''(j) WITHDRAWAL OF NOTICE IN CERTAIN CIRCUMSTANCES.—

''(1) IN GENERAL.—The Secretary may withdraw a notice of a lien filed under this section and this chapter shall be applied as if the withdrawn notice had not been filed, if the Secretary determines that—

''(A) the filing of such notice was premature or otherwise not in accordance with administrative procedures of the Secretary,

''(B) the taxpayer has entered into an agreement under section 6159 to satisfy the tax liability for which the lien was imposed by means of installment payments, unless such agreement provides otherwise,

''(C) the withdrawal of such notice will facilitate the collection of the tax liability, or

''(D) with the consent of the taxpayer or the Taxpayer Advocate, the withdrawal of such notice would be in the best interests of the taxpayer (as determined by the Taxpayer Advocate) and the United States.

Any such withdrawal shall be made by filing notice at the same office as the withdrawn notice. A copy of such notice of withdrawal shall be provided to the taxpayer.

''(2) NOTICE TO CREDIT AGENCIES, ETC.—Upon written request by the taxpayer with respect to whom a notice of a lien was withdrawn under paragraph (1), the Secretary shall promptly make reasonable efforts to notify credit reporting agencies, and any financial institution or creditor whose name and address is specified in such request, of the withdrawal of such notice. Any such request shall be in such form as the Secretary may prescribe.''

(b) RETURN OF LEVIED PROPERTY IN CERTAIN CASES.—Section 6343 (relating to authority to release levy and return property) is amended by adding at the end the following new subsection:

''(d) RETURN OF PROPERTY IN CERTAIN CASES.—If—

''(1) any property has been levied upon, and

''(2) the Secretary determines that—

''(A) the levy on such property was premature or otherwise not in accordance with administrative procedures of the Secretary,

''(B) the taxpayer has entered into an agreement under section 6159 to satisfy the tax liability for which the levy was imposed by means of installment payments, unless such agreement provides otherwise,

''(C) the return of such property will facilitate the collection of the tax liability, or

''(D) with the consent of the taxpayer or the Taxpayer Advocate, the return of such property would be in the best interests of the taxpayer (as determined by the Taxpayer Advocate) and the United States,

the provisions of subsection (b) shall apply in the same manner as if such property had been wrongly levied upon, except that no interest shall be allowed under subsection (c).''

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

SEC. 502. MODIFICATIONS TO CERTAIN LEVY EXEMPTION AMOUNTS.

(a) FUEL, ETC.—Paragraph (2) of section 6334(a) (relating to fuel, provisions, furniture, and personal effects exempt from levy) is amended—

(1) by striking ''If the taxpayer is the head of a family, so'' and inserting ''So'',

(2) by striking ''his household'' and inserting ''the taxpayer's household'', and

(3) by striking ''$1,650 ($1,550 in the case of levies issued during 1989)'' and inserting ''$2,500''.

(b) BOOKS, ETC.—Paragraph (3) of section 6334(a) (relating to books and tools of a trade, business, or profession) is amended by striking ''$1,100 ($1,050 in the case of levies issued during 1989)'' and inserting ''$1,250''.

(c) INFLATION ADJUSTMENT.—Section 6334 (relating to property exempt from levy) is amended by adding at the end the following new subsection:

''(f) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of any calendar year beginning after 1997, each dollar amount referred to in paragraphs (2) and (3) of subsection (a) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, by substituting 'calendar year 1996' for 'calendar year 1992' in subparagraph (B) thereof.

''(2) ROUNDING.—If any dollar amount after being increased under paragraph (1) is not a multiple of $10, such dollar amount shall be rounded to the nearest multiple of $10.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect with respect to levies issued after December 31, 1996.

SEC. 503. OFFERS-IN-COMPROMISE.

(a) REVIEW REQUIREMENTS.—Subsection (b) of section 7122 (relating to records) is amended by striking ''$500.'' and inserting ''$50,000. However, such compromise shall be subject to continuing quality review by the Secretary.''.

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

TITLE VI—INFORMATION RETURNS

SEC. 601. CIVIL DAMAGES FOR FRAUDULENT FILING OF INFORMATION RETURNS.

(a) GENERAL RULE.—Subchapter B of chapter 76 (relating to proceedings by taxpayers and third parties) is amended by redesignating section 7434 as section 7435 and by inserting after section 7433 the following new section:

''SEC. 7434. CIVIL DAMAGES FOR FRAUDULENT FILING OF INFORMATION RETURNS.

''(a) IN GENERAL.—If any person willfully files a fraudulent information return with respect to payments purported to be made to any other person, such other person may bring a civil action for damages against the person so filing such return.

''(b) DAMAGES.—In any action brought under subsection (a), upon a finding of liability on the part of the defendant, the defendant shall be liable to the plaintiff in an amount equal to the greater of $5,000 or the sum of—

''(1) any actual damages sustained by the plaintiff as a proximate result of the filing of the fraudulent information return (including any costs attributable to resolving deficiencies asserted as a result of such filing),

''(2) the costs of the action, and

''(3) in the court's discretion, reasonable attorneys fees.

''(c) PERIOD FOR BRINGING ACTION.—Notwithstanding any other provision of law, an action to enforce the liability created under this section may be brought without regard to the amount in controversy and may be brought only within the later of—

''(1) 6 years after the date of the filing of the fraudulent information return, or

''(2) 1 year after the date such fraudulent information return would have been discovered by exercise of reasonable care.

''(d) COPY OF COMPLAINT FILED WITH IRS—Any person bringing an action under subsection (a) shall provide a copy of the complaint to the Internal Revenue Service upon the filing of such complaint with the court.

''(e) FINDING OF COURT TO INCLUDE CORRECT AMOUNT OF PAYMENT.—The decision of the court awarding damages in an action brought under subsection (a) shall include a finding of the correct amount which should have been reported in the information return.

''(f) INFORMATION RETURN.—For purposes of this section, the term 'information return' means any statement described in section 6724(d)(1)(A).''

(b) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 76 is amended by striking the item relating to section 7434 and inserting the following:

''Sec. 7434. Civil damages for fraudulent filing of information returns.

''Sec. 7435. Cross references.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fraudulent information returns filed after the date of the enactment of this Act.

SEC. 602. REQUIREMENT TO CONDUCT REASONABLE INVESTIGATIONS OF INFORMATION RETURNS.

(a) GENERAL RULE.—Section 6201 (relating to assessment authority) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

''(d) REQUIRED REASONABLE VERIFICATION OF INFORMATION RETURNS.—In any court proceeding, if a taxpayer asserts a reasonable dispute with respect to any item of income reported on an information return filed with the Secretary under subpart B or C of part III of subchapter A of chapter 61 by a third party and the taxpayer has fully cooperated with the Secretary (including providing, within a reasonable period of time, access to and inspection of all witnesses, information, and documents within the control of the taxpayer as reasonably requested by the Secretary), the Secretary shall have the burden of producing reasonable and probative information concerning such deficiency in addition to such information return.''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

TITLE VII—AWARDING OF COSTS AND CERTAIN FEES

SEC. 701. UNITED STATES MUST ESTABLISH THAT ITS POSITION IN PROCEEDING WAS SUBSTANTIALLY JUSTIFIED.

(a) GENERAL RULE.—Subparagraph (A) of section 7430(c)(4) (defining prevailing party) is amended by striking clause (i) and by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively.

(b) BURDEN OF PROOF ON UNITED STATES.—Paragraph (4) of section 7430(c) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) EXCEPTION IF UNITED STATES ESTABLISHES THAT ITS POSITION WAS SUBSTANTIALLY JUSTIFIED.—

''(i) GENERAL RULE.—A party shall not be treated as the prevailing party in a proceeding to which subsection (a) applies if the United States establishes that the position of the United States in the proceeding was substantially justified.

''(ii) PRESUMPTION OF NO JUSTIFICATION IF INTERNAL REVENUE SERVICE DID NOT FOLLOW CERTAIN PUBLISHED GUIDANCE.—For purposes of clause (i), the position of the United States shall be presumed not to be substantially justified if the Internal Revenue Service did not follow its applicable published guidance in the administrative proceeding. Such presumption may be rebutted.

''(iii) APPLICABLE PUBLISHED GUIDANCE.—For purposes of clause (ii), the term 'applicable published guidance' means—

''(I) regulations, revenue rulings, revenue procedures, information releases, notices, and announcements, and

''(II) any of the following which are issued to the taxpayer: private letter rulings, technical advice memoranda, and determination letters.''

(c) CONFORMING AMENDMENTS.—

(1) Subparagraph (B) of section 7430(c)(2) is amended by striking ''paragraph (4)(B)'' and inserting ''paragraph (4)(C)''.

(2) Subparagraph (C) of section 7430(c)(4), as redesignated by subsection (b), is amended by striking ''subparagraph (A)'' and inserting ''this paragraph''.

(3) Sections 6404(g) and 6656(c)(1), as amended by this Act, are each amended by striking ''section 7430(c)(4)(A)(iii)'' and inserting ''section 7430(c)(4)(A)(ii)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply in the case of proceedings commenced after the date of the enactment of this Act.

SEC. 702. INCREASED LIMIT ON ATTORNEY FEES.

(a) IN GENERAL.—Paragraph (1) of section 7430(c) (defining reasonable litigation costs) is amended—

(1) by striking ''$75'' in clause (iii) of subparagraph (B) and inserting ''$110'',

(2) by striking ''an increase in the cost of living or'' in clause (iii) of subparagraph (B), and

(3) by adding after clause (iii) the following: ''In the case of any calendar year beginning after 1996, the dollar amount referred to in clause (iii) shall be increased by an amount equal to such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, by substituting 'calendar year 1995' for 'calendar year 1992' in subparagraph (B) thereof. If any dollar amount after being increased under the preceding sentence is not a multiple of $10, such dollar amount shall be rounded to the nearest multiple of $10.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply in the case of proceedings commenced after the date of the enactment of this Act.

SEC. 703. FAILURE TO AGREE TO EXTENSION NOT TAKEN INTO ACCOUNT.

(a) IN GENERAL.—Paragraph (1) of section 7430(b) (relating to requirement that administrative remedies be exhausted) is amended by adding at the end the following new sentence: ''Any failure to agree to an extension of the time for the assessment of any tax shall not be taken into account for purposes of determining whether the prevailing party meets the requirements of the preceding sentence.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply in the case of proceedings commenced after the date of the enactment of this Act.

SEC. 704. AWARD OF LITIGATION COSTS PERMITTED IN DECLARATORY JUDGMENT PROCEEDINGS.

(a) IN GENERAL.—Subsection (b) of section 7430 is amended by striking paragraph (3) and by redesignating paragraph (4) as paragraph (3).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply in the case of proceedings commenced after the date of the enactment of this Act.

TITLE VIII—MODIFICATION TO RECOVERY OF CIVIL DAMAGES FOR UNAUTHORIZED COLLECTION ACTIONS

SEC. 801. INCREASE IN LIMIT ON RECOVERY OF CIVIL DAMAGES FOR UNAUTHORIZED COLLECTION ACTIONS.

(a) GENERAL RULE.—Subsection (b) of section 7433 (relating to damages) is amended by striking ''$100,000'' and inserting ''$1,000,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to actions by officers or employees of the Internal Revenue Service after the date of the enactment of this Act.

SEC. 802. COURT DISCRETION TO REDUCE AWARD FOR LITIGATION COSTS FOR FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES.

(a) GENERAL RULE.—Paragraph (1) of section 7433(d) (relating to civil damages for certain unauthorized collection actions) is amended to read as follows:

''(1) AWARD FOR DAMAGES MAY BE REDUCED IF ADMINISTRATIVE REMEDIES NOT EXHAUSTED.—The amount of damages awarded under subsection (b) may be reduced if the court determines that the plaintiff has not exhausted the administrative remedies available to such plaintiff within the Internal Revenue Service.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply in the case of proceedings commenced after the date of the enactment of this Act.

TITLE IX—MODIFICATIONS TO PENALTY FOR FAILURE TO COLLECT AND PAY OVER TAX

SEC. 901. PRELIMINARY NOTICE REQUIREMENT.

(a) IN GENERAL.—Section 6672 (relating to failure to collect and pay over tax, or attempt to evade or defeat tax) is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

''(b) PRELIMINARY NOTICE REQUIREMENT.—

''(1) IN GENERAL.—No penalty shall be imposed under subsection (a) unless the Secretary notifies the taxpayer in writing by mail to an address as determined under section 6212(b) that the taxpayer shall be subject to an assessment of such penalty.

''(2) TIMING OF NOTICE.—The mailing of the notice described in paragraph (1) shall precede any notice and demand of any penalty under subsection (a) by at least 60 days.

''(3) STATUTE OF LIMITATIONS.—If a notice described in paragraph (1) with respect to any penalty is mailed before the expiration of the period provided by section 6501 for the assessment of such penalty (determined without regard to this paragraph), the period provided by such section for the assessment of such penalty shall not expire before the later of—

''(A) the date 90 days after the date on which such notice was mailed, or

''(B) if there is a timely protest of the proposed assessment, the date 30 days after the Secretary makes a final administrative determination with respect to such protest.

''(4) EXCEPTION FOR JEOPARDY.—This subsection shall not apply if the Secretary finds that the collection of the penalty is in jeopardy.''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to proposed assessments made after June 30, 1996.

SEC. 902. DISCLOSURE OF CERTAIN INFORMATION WHERE MORE THAN 1 PERSON LIABLE FOR PENALTY FOR FAILURE TO COLLECT AND PAY OVER TAX.

(a) IN GENERAL.—Subsection (e) of section 6103 (relating to disclosure to persons having material interest), as amended by section 403, is amended by adding at the end the following new paragraph:

''(9) DISCLOSURE OF CERTAIN INFORMATION WHERE MORE THAN 1 PERSON SUBJECT TO PENALTY UNDER SECTION 6672.—If the Secretary determines that a person is liable for a penalty under section 6672(a) with respect to any failure, upon request in writing of such person, the Secretary shall disclose in writing to such person—

''(A) the name of any other person whom the Secretary has determined to be liable for such penalty with respect to such failure, and

''(B) whether the Secretary has attempted to collect such penalty from such other person, the general nature of such collection activities, and the amount collected.''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 903. RIGHT OF CONTRIBUTION WHERE MORE THAN 1 PERSON LIABLE FOR PENALTY FOR FAILURE TO COLLECT AND PAY OVER TAX.

(a) IN GENERAL.—Section 6672 (relating to failure to collect and pay over tax, or attempt to evade or defeat tax) is amended by adding at the end the following new subsection:

''(d) RIGHT OF CONTRIBUTION WHERE MORE THAN 1 PERSON LIABLE FOR PENALTY.—If more than 1 person is liable for the penalty under subsection (a) with respect to any tax, each person who paid such penalty shall be entitled to recover from other persons who are liable for such penalty an amount equal to the excess of the amount paid by such person over such person's proportionate share of the penalty. Any claim for such a recovery may be made only in a proceeding which is separate from, and is not joined or consolidated with—

''(1) an action for collection of such penalty brought by the United States, or

''(2) a proceeding in which the United States files a counterclaim or third-party complaint for the collection of such penalty.''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to penalties assessed after the date of the enactment of this Act.

SEC. 904. VOLUNTEER BOARD MEMBERS OF TAX-EXEMPT ORGANIZATIONS EXEMPT FROM PENALTY FOR FAILURE TO COLLECT AND PAY OVER TAX.

(a) IN GENERAL.—Section 6672 is amended by adding at the end the following new subsection:

''(e) EXCEPTION FOR VOLUNTARY BOARD MEMBERS OF TAX-EXEMPT ORGANIZATIONS.—No penalty shall be imposed by subsection (a) on any unpaid, volunteer member of any board of trustees or directors of an organization exempt from tax under subtitle A if such member—

''(1) is solely serving in an honorary capacity,

''(2) does not participate in the day-to-day or financial operations of the organization, and

''(3) does not have actual knowledge of the failure on which such penalty is imposed.

The preceding sentence shall not apply if it results in no person being liable for the penalty imposed by subsection (a).''

(b) PUBLIC INFORMATION REQUIREMENTS.—

(1) IN GENERAL.—The Secretary of the Treasury or the Secretary's delegate (hereafter in this subsection referred to as the ''Secretary'') shall take such actions as may be appropriate to ensure that employees are aware of their responsibilities under the Federal tax depository system, the circumstances under which employees may be liable for the penalty imposed by section 6672 of the Internal Revenue Code of 1986, and the responsibility to promptly report to the Internal Revenue Service any failure referred to in subsection (a) of such section 6672. Such actions shall include—

(A) printing of a warning on deposit coupon booklets and the appropriate tax returns that certain employees may be liable for the penalty imposed by such section 6672, and

(B) the development of a special information packet.

(2) DEVELOPMENT OF EXPLANATORY MATERIALS.—The Secretary shall develop materials explaining the circumstances under which board members of tax-exempt organizations (including voluntary and honorary members) may be subject to penalty under section 6672 of such Code. Such materials shall be made available to tax-exempt organizations.

(3) IRS INSTRUCTIONS.—The Secretary shall clarify the instructions to Internal Revenue Service employees on the application of the penalty under section 6672 of such Code with regard to voluntary members of boards of trustees or directors of tax-exempt organizations.

TITLE X—MODIFICATIONS OF RULES RELATING TO SUMMONSES

SEC. 1001. ENROLLED AGENTS INCLUDED AS THIRD-PARTY RECORDKEEPERS.

(a) IN GENERAL.—Paragraph (3) of section 7609(a) (relating to third-party recordkeeper defined) is amended by striking ''and'' at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting ''; and'', and by adding at the end the following the subparagraph:

''(I) any enrolled agent.''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to summonses issued after the date of the enactment of this Act.

SEC. 1002. SAFEGUARDS RELATING TO DESIGNATED SUMMONSES.

(a) STANDARD OF REVIEW.—Subparagraph (A) of section 6503(k)(2) (defining designated summons) is amended by redesignating clauses (i) and (ii) as clauses (ii) and (iii), respectively, and by inserting before clause (ii) (as so redesignated) the following new clause:

''(i) the issuance of such summons is preceded by a review of such issuance by the regional counsel of the Office of Chief Counsel for the region in which the examination of the corporation is being conducted,''.

(b) LIMITATION ON PERSONS TO WHOM DESIGNATED SUMMONS MAY BE ISSUED.—Paragraph (1) of section 6503(k) is amended by striking ''with respect to any return of tax by a corporation'' and inserting ''to a corporation (or to any other person to whom the corporation has transferred records) with respect to any return of tax by such corporation for a taxable year (or other period) for which such corporation is being examined under the coordinated examination program (or any successor program) of the Internal Revenue Service''.

(c) CLERICAL AMENDMENT.—Section 6503 is amended by redesignating subsections (k) and (l) (as amended by this section) as subsections (j) and (k), respectively.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to summonses issued after the date of the enactment of this Act.

SEC. 1003. ANNUAL REPORT TO CONGRESS CONCERNING DESIGNATED SUMMONSES.

Not later than December 31 of each calendar year after 1995, the Secretary of the Treasury or his delegate shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the number of designated summonses (as defined in section 6503(j) of the Internal Revenue Code of 1986) which were issued during the preceding 12 months.

TITLE XI—RELIEF FROM RETROACTIVE APPLICATION OF TREASURY DEPARTMENT REGULATIONS

SEC. 1101. RELIEF FROM RETROACTIVE APPLICATION OF TREASURY DEPARTMENT REGULATIONS.

(a) IN GENERAL.—Subsection (b) of section 7805 (relating to rules and regulations) is amended to read as follows:

''(b) RETROACTIVITY OF REGULATIONS.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, no temporary, proposed, or final regulation relating to the internal revenue laws shall apply to any taxable period ending before the earliest of the following dates:

''(A) The date on which such regulation is filed with the Federal Register.

''(B) In the case of any final regulation, the date on which any proposed or temporary regulation to which such final regulation relates was filed with the Federal Register.

''(C) The date on which any notice substantially describing the expected contents of any temporary, proposed, or final regulation is issued to the public.

''(2) EXCEPTION FOR PROMPTLY ISSUED REGULATIONS.—Paragraph (1) shall not apply to regulations filed or issued within 18 months of the date of the enactment of the statutory provision to which the regulation relates.

''(3) PREVENTION OF ABUSE.—The Secretary may provide that any regulation may take effect or apply retroactively to prevent abuse.

''(4) CORRECTION OF PROCEDURAL DEFECTS.—The Secretary may provide that any regulation may apply retroactively to correct a procedural defect in the issuance of any prior regulation.

''(5) INTERNAL REGULATIONS.—The limitation of paragraph (1) shall not apply to any regulation relating to internal Treasury Department policies, practices, or procedures.

''(6) CONGRESSIONAL AUTHORIZATION.—The limitation of paragraph (1) may be superseded by a legislative grant from Congress authorizing the Secretary to prescribe the effective date with respect to any regulation.

''(7) ELECTION TO APPLY RETROACTIVELY.—The Secretary may provide for any taxpayer to elect to apply any regulation before the dates specified in paragraph (1).

''(8) APPLICATION TO RULINGS.—The Secretary may prescribe the extent, if any, to which any ruling (including any judicial decision or any administrative determination other than by regulation) relating to the internal revenue laws shall be applied without retroactive effect.''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to regulations which relate to statutory provisions enacted on or after the date of the enactment of this Act.

TITLE XII—MISCELLANEOUS PROVISIONS

SEC. 1201. PHONE NUMBER OF PERSON PROVIDING PAYEE STATEMENTS REQUIRED TO BE SHOWN ON SUCH STATEMENT.

(a) GENERAL RULE.—The following provisions are each amended by striking ''name and address'' and inserting ''name, address, and phone number of the information contact'':

(1) Section 6041(d)(1).
(2) Section 6041A(e)(1).
(3) Section 6042(c)(1).
(4) Section 6044(e)(1).
(5) Section 6045(b)(1).
(6) Section 6049(c)(1)(A).
(7) Section 6050B(b)(1).
(8) Section 6050H(d)(1).
(9) Section 6050I(e)(1).
(10) Section 6050J(e).
(11) Section 6050K(b)(1).
(12) Section 6050N(b)(1).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to statements required to be furnished after December 31, 1996 (determined without regard to any extension).

SEC. 1202. REQUIRED NOTICE OF CERTAIN PAYMENTS.

If any payment is received by the Secretary of the Treasury or his delegate from any taxpayer and the Secretary cannot associate such payment with such taxpayer, the Secretary shall make reasonable efforts to notify the taxpayer of such inability within 60 days after the receipt of such payment.

SEC. 1203. UNAUTHORIZED ENTICEMENT OF INFORMATION DISCLOSURE.

(a) IN GENERAL.—Subchapter B of chapter 76 (relating to proceedings by taxpayers and third parties), as amended by section 601(a), is amended by redesignating section 7435 as section 7436 and by inserting after section 7434 the following new section:

''SEC. 7435. CIVIL DAMAGES FOR UNAUTHORIZED ENTICEMENT OF INFORMATION DISCLOSURE.

''(a) IN GENERAL.—If any officer or employee of the United States intentionally compromises the determination or collection of any tax due from an attorney, certified public accountant, or enrolled agent representing a taxpayer in exchange for information conveyed by the taxpayer to the attorney, certified public accountant, or enrolled agent for purposes of obtaining advice concerning the taxpayer's tax liability, such taxpayer may bring a civil action for damages against the United States in a district court of the United States. Such civil action shall be the exclusive remedy for recovering damages resulting from such actions.

''(b) DAMAGES.—In any action brought under subsection (a), upon a finding of liability on the part of the defendant, the defendant shall be liable to the plaintiff in an amount equal to the lesser of $500,000 or the sum of—

''(1) actual, direct economic damages sustained by the plaintiff as a proximate result of the information disclosure, and

''(2) the costs of the action.

Damages shall not include the taxpayer's liability for any civil or criminal penalties, or other losses attributable to incarceration or the imposition of other criminal sanctions.

''(c) PAYMENT AUTHORITY.—Claims pursuant to this section shall be payable out of funds appropriated under section 1304 of title 31, United States Code.

''(d) PERIOD FOR BRINGING ACTION.—Notwithstanding any other provision of law, an action to enforce liability created under this section may be brought without regard to the amount in controversy and may be brought only within 2 years after the date the actions creating such liability would have been discovered by exercise of reasonable care.

''(e) MANDATORY STAY.—Upon a certification by the Commissioner or the Commissioner's delegate that there is an ongoing investigation or prosecution of the taxpayer, the district court before which an action under this section is pending shall stay all proceedings with respect to such action pending the conclusion of the investigation or prosecution.

''(f) CRIME-FRAUD EXCEPTION.—Subsection (a) shall not apply to information conveyed to an attorney, certified public accountant, or enrolled agent for the purpose of perpetrating a fraud or crime.''

(b) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 76, as amended by section 601(b), is amended by striking the item relating to section 7435 and by adding at the end the following new items:

''Sec. 7435. Civil damages for unauthorized enticement of information disclosure.

''Sec. 7436. Cross references.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to actions after the date of the enactment of this Act.

SEC. 1204. ANNUAL REMINDERS TO TAXPAYERS WITH OUTSTANDING DELINQUENT ACCOUNTS.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

''SEC. 7524. ANNUAL NOTICE OF TAX DELINQUENCY.

''Not less often than annually, the Secretary shall send a written notice to each taxpayer who has a tax delinquent account of the amount of the tax delinquency as of the date of the notice.''

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 is amended by adding at the end the following new item:

''Sec. 7524. Annual notice of tax delinquency.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years after 1996.

SEC. 1205. 5-YEAR EXTENSION OF AUTHORITY FOR UNDERCOVER OPERATIONS.

(a) IN GENERAL.—Paragraph (3) of section 7601(c) of the Anti-Drug Abuse Act of 1988 is amended by striking all that follows ''this Act'' and inserting a period.

(b) RESTORATION OF AUTHORITY FOR 5 YEARS.—Subsection (c) of section 7608 is amended by adding at the end the following new paragraph:

''(6) APPLICATION OF SECTION.—The provisions of this subsection—

''(A) shall apply after November 17, 1988, and before January 1, 1990, and

''(B) shall apply after the date of the enactment of this paragraph and before January 1, 2001.

All amounts expended pursuant to this subsection during the period described in subparagraph (B) shall be recovered to the extent possible, and deposited in the Treasury of the United States as miscellaneous receipts, before January 1, 2001.''

(c) ENHANCED OVERSIGHT.—

(1) ADDITIONAL INFORMATION REQUIRED IN REPORTS TO CONGRESS.—Subparagraph (B) of section 7608(c)(4) is amended—

(A) by striking ''preceding the period'' in clause (ii),

(B) by striking ''and'' at the end of clause (ii), and

(C) by striking clause (iii) and inserting the following:

''(iii) the number, by programs, of undercover investigative operations closed in the 1-year period for which such report is submitted, and

''(iv) the following information with respect to each undercover investigative operation pending as of the end of the 1-year period for which such report is submitted or closed during such 1-year period—

''(I) the date the operation began and the date of the certification referred to in the last sentence of paragraph (1),

''(II) the total expenditures under the operation and the amount and use of the proceeds from the operation,

''(III) a detailed description of the operation including the potential violation being investigated and whether the operation is being conducted under grand jury auspices, and

''(IV) the results of the operation including the results of criminal proceedings.''

(2) AUDITS REQUIRED WITHOUT REGARD TO AMOUNTS INVOLVED.—Subparagraph (C) of section 7608(c)(5) is amended to read as follows:

''(C) UNDERCOVER INVESTIGATIVE OPERATION.—The term 'undercover investigative operation' means any undercover investigative operation of the Service; except that, for purposes of subparagraphs (A) and (C) of paragraph (4), such term only includes an operation which is exempt from section 3302 or 9102 of title 31, United States Code.''

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

SEC. 1206. DISCLOSURE OF FORM 8300 INFORMATION ON CASH TRANSACTIONS.

(a) IN GENERAL.—Subsection (l) of section 6103 (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

''(15) DISCLOSURE OF RETURNS FILED UNDER SECTION 60501.—The Secretary may, upon written request, disclose to officers and employees of—

''(A) any Federal agency,

''(B) any agency of a State or local government, or

''(C) any agency of the government of a foreign country,

information contained on returns filed under section 6050I. Any such disclosure shall be made on the same basis, and subject to the same conditions, as apply to disclosures of information on reports filed under section 5313 of title 31, United States Code; except that no disclosure under this paragraph shall be made for purposes of the administration of any tax law.''

(b) CONFORMING AMENDMENTS.—

(1) Subsection (i) of section 6103 is amended by striking paragraph (8).

(2) Subparagraph (A) of section 6103(p)(3) is amended—

(A) by striking ''(7)(A)(ii), or (8)'' and inserting ''or (7)(A)(ii)'', and

(B) by striking ''or (14)'' and inserting ''(14), or (15)''.

(3) The material preceding subparagraph (A) of section 6103(p)(4) is amended—

(A) by striking ''(5), or (8)'' and inserting ''or (5)'',

(B) by striking ''(i)(3)(B)(i), or (8)'' and inserting ''(i)(3)(B)(i),'', and

(C) by striking ''or (12)'' and inserting ''(12), or (15)''.

(4) Clause (ii) of section 6103(p)(4)(F) is amended—

(A) by striking ''(5), or (8)'' and inserting ''or (5)'', and

(B) by striking ''or (14)'' and inserting ''(14), or (15)''.

(5) Paragraph (2) of section 7213(a) is amended by striking ''or (12)'' and inserting ''(12), or (15)''.

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

SEC. 1207. DISCLOSURE OF RETURNS AND RETURN INFORMATION TO DESIGNEE OF TAXPAYER.

Subsection (c) of section 6103 (relating to disclosure of returns and return information to designee of taxpayer) is amended by striking ''written request for or consent to such disclosure'' and inserting ''request for or consent to such disclosure''.

SEC. 1208. STUDY OF NETTING OF INTEREST ON OVERPAYMENTS AND LIABILITIES.

(a) IN GENERAL.—The Secretary of the Treasury or his delegate shall—

(1) conduct a study of the manner in which the Internal Revenue Service has implemented the netting of interest on overpayments and underpayments and of the policy and administrative implications of global netting, and

(2) before submitting the report of such study, hold a public hearing to receive comments on the matters included in such study.

(b) REPORT.—The report of such study shall be submitted not later than 6 months after the date of the enactment of this Act to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

SEC. 1209. EXPENSES OF DETECTION OF UNDERPAYMENTS AND FRAUD, ETC.

(a) IN GENERAL.—Section 7623 (relating to expenses of deduction and punishment of frauds) is amended to read as follows:

''SEC. 7623. EXPENSES OF DETECTION OF UNDERPAYMENTS AND FRAUD, ETC.

''The Secretary, under regulations prescribed by the Secretary, is authorized to pay such sums as he deems necessary for—

''(1) detecting underpayments of tax, and

''(2) detecting and bringing to trial and punishment persons guilty of violating the internal revenue laws or conniving at the same,

in cases where such expenses are not otherwise provided for by law. Any amount payable under the preceding sentence shall be paid from the proceeds of amounts (other than interest) collected by reason of the information provided, and any amount so collected shall be available for such payments.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 78 is amended by striking the item relating to section 7623 and inserting the following new item:

''Sec. 7623. Expenses of detection of underpayments and fraud, etc.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date which is 6 months after the date of the enactment of this Act.

(d) REPORT.—The Secretary of the Treasury or his delegate shall submit an annual report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the payments under section 7623 of the Internal Revenue Code of 1986 during the year and on the amounts collected for which such payments were made.

SEC. 1210. USE OF PRIVATE DELIVERY SERVICES FOR TIMELY-MAILING-AS-TIMELY-FILING RULE.

Section 7502 (relating to timely mailing treated as timely filing and paying) is amended by adding at the end the following new subsection:

''(f) TREATMENT OF PRIVATE DELIVERY SERVICES.—

''(1) IN GENERAL.—Any reference in this section to the United States mail shall be treated as including a reference to any designated delivery service, and any reference in this section to a postmark by the United States Postal Service shall be treated as including a reference to any date recorded or marked as described in paragraph (2)(C) by any designated delivery service.

''(2) DESIGNATED DELIVERY SERVICE.—For purposes of this subsection, the term 'designated delivery service' means any delivery service provided by a trade or business if such service is designated by the Secretary for purposes of this section. The Secretary may designate a delivery service under the preceding sentence only if the Secretary determines that such service—

''(A) is available to the general public,

''(B) is at least as timely and reliable on a regular basis as the United States mail,

''(C) records electronically to its data base, kept in the regular course of its business, or marks on the cover in which any item referred to in this section is to be delivered, the date on which such item was given to such trade or business for delivery, and

''(D) meets such other criteria as the Secretary may prescribe.

''(3) EQUIVALENTS OF REGISTERED AND CERTIFIED MAIL.—The Secretary may provide a rule similar to the rule of paragraph (1) with respect to any service provided by a designated delivery service which is substantially equivalent to United States registered or certified mail.''

SEC. 1211. REPORTS ON MISCONDUCT OF IRS EMPLOYEES.

On or before June 1 of each calendar year after 1996, the Secretary of the Treasury shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on—

(1) all categories of instances involving the misconduct of employees of the Internal Revenue Service during the preceding calendar year, and

(2) the disposition during the preceding calendar year of any such instances (without regard to the year of the misconduct).

TITLE XIII—REVENUE OFFSETS

Subtitle A—Application of Failure-to-Pay Penalty to Substitute Returns

SEC. 1301. APPLICATION OF FAILURE-TO-PAY PENALTY TO SUBSTITUTE RETURNS.

(a) GENERAL RULE.—Section 6651 (relating to failure to file tax return or to pay tax) is amended by adding at the end the following new subsection:

''(g) TREATMENT OF RETURNS PREPARED BY SECRETARY UNDER SECTION 6020(b).—In the case of any return made by the Secretary under section 6020(b)—

''(1) such return shall be disregarded for purposes of determining the amount of the addition under paragraph (1) of subsection (a), but

''(2) such return shall be treated as the return filed by the taxpayer for purposes of determining the amount of the addition under paragraphs (2) and (3) of subsection (a).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply in the case of any return the due date for which (determined without regard to extensions) is after the date of the enactment of this Act.

Subtitle B—Exicse Taxes on Amounts of Private Excess Benefits

SEC. 1311. EXCISE TAXES FOR FAILURE BY CERTAIN CHARITABLE ORGANIZATIONS TO MEET CERTAIN QUALIFICATION REQUIREMENTS.

(a) IN GENERAL.—Chapter 42 (relating to private foundations and certain other tax-exempt organizations) is amended by redesignating subchapter D as subchapter E and by inserting after subchapter C the following new subchapter:

''Subchapter D—Failure by Certain Charitable Organizations To Meet Certain Qualification Requirements

''SEC. 4958. TAXES ON EXCESS BENEFIT TRANSACTIONS.

''(a) INITIAL TAXES.—

''(1) ON THE DISQUALIFIED PERSON.—There is hereby imposed on each excess benefit transaction a tax equal to 25 percent of the excess benefit. The tax imposed by this paragraph shall be paid by any disqualified person referred to in subsection (f)(1) with respect to such transaction.

''(2) ON THE MANAGEMENT.—In any case in which a tax is imposed by paragraph (1), there is hereby imposed on the participation of any organization manager in the excess benefit transaction, knowing that it is such a transaction, a tax equal to 10 percent of the excess benefit, unless such participation is not willful and is due to reasonable cause. The tax imposed by this paragraph shall be paid by any organization manager who participated in the excess benefit transaction.

''(b) ADDITIONAL TAX ON THE DISQUALIFIED PERSON.—In any case in which an initial tax is imposed by subsection (a)(1) on an excess benefit transaction and the excess benefit involved in such transaction is not corrected within the taxable period, there is hereby imposed a tax equal to 200 percent of the excess benefit involved. The tax imposed by this subsection shall be paid by any disqualified person referred to in subsection (f)(1) with respect to such transaction.

''(c) EXCESS BENEFIT TRANSACTION; EXCESS BENEFIT.—For purposes of this section—

''(1) EXCESS BENEFIT TRANSACTION.—

''(A) IN GENERAL.—The term 'excess benefit transaction' means any transaction in which an economic benefit is provided by an applicable tax-exempt organization directly or indirectly to or for the use of any disqualified person if the value of the economic benefit provided exceeds the value of the consideration (including the performance of services) received for providing such benefit. For purposes of the preceding sentence, an economic benefit shall not be treated as consideration for the performance of services unless such organization clearly indicated its intent to so treat such benefit.

''(B) EXCESS BENEFIT.—The term 'excess benefit' means the excess referred to in subparagraph (A).

''(2) AUTHORITY TO INCLUDE CERTAIN OTHER PRIVATE INUREMENT.—To the extent provided in regulations prescribed by the Secretary, the term 'excess benefit transaction' includes any transaction in which the amount of any economic benefit provided to or for the use of a disqualified person is determined in whole or in part by the revenues of 1 or more activities of the organization but only if such transaction results in inurement not permitted under paragraph (3) or (4) of section 501(c), as the case may be. In the case of any such transaction, the excess benefit shall be the amount of the inurement not so permitted.

''(d) SPECIAL RULES.—For purposes of this section—

''(1) JOINT AND SEVERAL LIABILITY.—If more than 1 person is liable for any tax imposed by subsection (a) or subsection (b), all such persons shall be jointly and severally liable for such tax.

''(2) LIMIT FOR MANAGEMENT.—With respect to any 1 excess benefit transaction, the maximum amount of the tax imposed by subsection (a)(2) shall not exceed $10,000.

''(e) APPLICABLE TAX-EXEMPT ORGANIZATION.—For purposes of this subchapter, the term 'applicable tax-exempt organization' means—

''(1) any organization which (without regard to any excess benefit) would be described in paragraph (3) or (4) of section 501(c) and exempt from tax under section 501(a), and

''(2) any organization which was described in paragraph (1) at any time during the 5-year period ending on the date of the transaction.

Such term shall not include a private foundation (as defined in section 509(a)).

''(f) OTHER DEFINITIONS.—For purposes of this section—

''(1) DISQUALIFIED PERSON.—The term 'disqualified person' means, with respect to any transaction—

''(A) any person who was, at any time during the 5-year period ending on the date of such transaction, in a position to exercise substantial influence over the affairs of the organization,

''(B) a member of the family of an individual described in subparagraph (A), and

''(C) a 35-percent controlled entity.

''(2) ORGANIZATION MANAGER.—The term 'organization manager' means, with respect to any applicable tax-exempt organization, any officer, director, or trustee of such organization (or any individual having powers or responsibilities similar to those of officers, directors, or trustees of the organization).

''(3) 35-PERCENT CONTROLLED ENTITY.—

''(A) IN GENERAL.—The term '35-percent controlled entity' means—

''(i) a corporation in which persons described in subparagraph (A) or (B) of paragraph (1) own more than 35 percent of the total combined voting power,

''(ii) a partnership in which such persons own more than 35 percent of the profits interest, and

''(iii) a trust or estate in which such persons own more than 35 percent of the beneficial interest.

''(B) CONSTRUCTIVE OWNERSHIP RULES.—Rules similar to the rules of paragraphs (3) and (4) of section 4946(a) shall apply for purposes of this paragraph.

''(4) FAMILY MEMBERS.—The members of an individual's family shall be determined under section 4946(d); except that such members also shall include the brothers and sisters (whether by the whole or half blood) of the individual and their spouses.

''(5) TAXABLE PERIOD.—The term 'taxable period' means, with respect to any excess benefit transaction, the period beginning with the date on which the transaction occurs and ending on the earliest of—

''(A) the date of mailing a notice of deficiency under section 6212 with respect to the tax imposed by subsection (a)(1), or

''(B) the date on which the tax imposed by subsection (a)(1) is assessed.

''(6) CORRECTION.—The terms 'correction' and 'correct' mean, with respect to any excess benefit transaction, undoing the excess benefit to the extent possible, and taking any additional measures necessary to place the organization in a financial position not worse than that in which it would be if the disqualified person were dealing under the highest fiduciary standards.''

(b) APPLICATION OF PRIVATE INUREMENT RULE TO TAX-EXEMPT ORGANIZATIONS DESCRIBED IN SECTION 501(c)(4).—

(1) IN GENERAL.—Paragraph (4) of section 501(c) is amended by inserting ''(A)'' after ''(4)'' and by adding at the end the following:

''(B) Subparagraph (A) shall not apply to an entity unless no part of the net earnings of such entity inures to the benefit of any private shareholder or individual.''

(2) SPECIAL RULE FOR CERTAIN COOPERATIVES.—In the case of an organization operating on a cooperative basis which, before the date of the enactment of this Act, was determined by the Secretary of the Treasury or his delegate, to be described in section 501(c)(4) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, the allocation or return of net margins or capital to the members of such organization in accordance with its incorporating statute and bylaws shall not be treated for purposes of such Code as the inurement of the net earnings of such organization to the benefit of any private shareholder or individual. The preceding sentence shall apply only if such statute and bylaws are substantially as such statute and bylaws were in existence on the date of the enactment of this Act.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Subsection (e) of section 4955 is amended—

(A) by striking ''SECTION 4945'' in the heading and inserting ''SECTIONS 4945 AND 4958'', and

(B) by inserting before the period ''or an excess benefit for purposes of section 4958''.

(2) Subsections (a), (b), and (c) of section 4963 are each amended by inserting ''4958,'' after ''4955,''.

(3) Subsection (e) of section 6213 is amended by inserting ''4958 (relating to private excess benefit),'' before ''4971''.

(4) Paragraphs (2) and (3) of section 7422(g) are each amended by inserting ''4958,'' after ''4955,''.

(5) Subsection (b) of section 7454 is amended by inserting ''or whether an organization manager (as defined in section 4958(f)(2)) has 'knowingly' participated in an excess benefit transaction (as defined in section 4958(c)),'' after ''section 4912(b),''.

(6) The table of subchapters for chapter 42 is amended by striking the last item and inserting the following:

''SUBCHAPTER D. Failure by certain charitable organizations to meet certain qualification requirements.

''SUBCHAPTER E. Abatement of first and second tier taxes in certain cases.''

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section (other than subsection (b)) shall apply to excess benefit transactions occurring on or after September 14, 1995.

(2) BINDING CONTRACTS.—The amendments referred to in paragraph (1) shall not apply to any benefit arising from a transaction pursuant to any written contract which was binding on September 13, 1995, and at all times thereafter before such transaction occurred.

(3) APPLICATION OF PRIVATE INUREMENT RULE TO TAX-EXEMPT ORGANIZATIONS DESCRIBED IN SECTION 501(c)(4).—

(A) IN GENERAL.—The amendment made by subsection (b) shall apply to inurement occurring on or after September 14, 1995.

(B) BINDING CONTRACTS.—The amendment made by subsection (b) shall not apply to any inurement occurring before January 1, 1997, pursuant to a written contract which was binding on September 13, 1995, and at all times thereafter before such inurement occurred.

SEC. 1312. REPORTING OF CERTAIN EXCISE TAXES AND OTHER INFORMATION.

(a) REPORTING BY ORGANIZATIONS DESCRIBED IN SECTION 501(c)(3).—Subsection (b) of section 6033 (relating to certain organizations described in section 501(c)(3)) is amended by striking ''and'' at the end of paragraph (9), by redesignating paragraph (10) as paragraph (14), and by inserting after paragraph (9) the following new paragraphs:

''(10) the respective amounts (if any) of the taxes paid by the organization during the taxable year under the following provisions:

''(A) section 4911 (relating to tax on excess expenditures to influence legislation),

''(B) section 4912 (relating to tax on disqualifying lobbying expenditures of certain organizations), and

''(C) section 4955 (relating to taxes on political expenditures of section 501(c)(3) organizations),

''(11) the respective amounts (if any) of the taxes paid by the organization, or any disqualified person with respect to such organization, during the taxable year under section 4958 (relating to taxes on private excess benefit from certain charitable organizations),

''(12) such information as the Secretary may require with respect to any excess benefit transaction (as defined in section 4958),

''(13) such information with respect to disqualified persons as the Secretary may prescribe, and''.

(b) ORGANIZATIONS DESCRIBED IN SECTION 501(c)(4).—Section 6033 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

''(f) CERTAIN ORGANIZATIONS DESCRIBED IN SECTION 501(c)(4).—Every organization described in section 501(c)(4) which is subject to

the requirements of subsection (a) shall include on the return required under subsection (a) the information referred to in paragraphs (11), (12) and (13) of subsection (b) with respect to such organization.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns for taxable years beginning after the date of the enactment of this Act.

SEC. 1313. EXEMPT ORGANIZATIONS REQUIRED TO PROVIDE COPY OF RETURN.

(a) REQUIREMENT TO PROVIDE COPY.—

(1) Subparagraph (A) of section 6104(e)(1) (relating to public inspection of annual returns) is amended to read as follows:

''(A) IN GENERAL.—During the 3-year period beginning on the filing date—

''(i) a copy of the annual return filed under section 6033 (relating to returns by exempt organizations) by any organization to which this paragraph applies shall be made available by such organization for inspection during regular business hours by any individual at the principal office of such organization and, if such organization regularly maintains 1 or more regional or district offices having 3 or more employees, at each such regional or district office, and

''(ii) upon request of an individual made at such principal office or such a regional or district office, a copy of such annual return shall be provided to such individual without charge other than a reasonable fee for any reproduction and mailing costs.

The request described in clause (ii) must be made in person or in writing. If the request under clause (ii) is made in person, such copy shall be provided immediately and, if made in writing, shall be provided within 30 days.''

(2) Clause (ii) of section 6104(e)(2)(A) is amended by inserting before the period at the end the following: ''(and, upon request of an individual made at such principal office or such a regional or district office, a copy of the material requested to be available for inspection under this subparagraph shall be provided (in accordance with the last sentence of paragraph (1)(A)) to such individual without charge other than reasonable fee for any reproduction and mailing costs)''.

(3) Subsection (e) of section 6104 is amended by adding at the end the following new paragraph:

''(3) LIMITATION.—Paragraph (1)(A)(ii) (and the corresponding provision of paragraph (2)) shall not apply to any request if, in accordance with regulations promulgated by the Secretary, the organization has made the requested documents widely available, or, the Secretary determines, upon application by an organization, that such request is part of a harassment campaign and that compliance with such request is not in the public interest.''

(b) INCREASE IN PENALTY FOR WILLFUL FAILURE TO ALLOW PUBLIC INSPECTION OF CERTAIN RETURNS, ETC.—Section 6685 is amended by striking ''$1,000'' and inserting ''$5,000''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made on or after the 60th day after the Secretary of the Treasury first issues the regulations referred to section 6104(e)(3) of the Internal Revenue Code of 1986 (as added by subsection (a)(3)).

SEC. 1314. INCREASE IN PENALTIES ON EXEMPT ORGANIZATIONS FOR FAILURE TO FILE COMPLETE AND TIMELY ANNUAL RETURNS.

(a) IN GENERAL.—Subparagraph (A) of section 6652(c)(1) (relating to annual returns under section 6033) is amended by striking ''$10'' and inserting ''$20'' and by striking ''$5,000'' and inserting ''$10,000''.

(b) LARGER PENALTY ON ORGANIZATIONS HAVING GROSS RECEIPTS IN EXCESS OF $1,000,000.—Subparagraph (A) of section 6652(c)(1) is amended by adding at the end the following new sentence: ''In the case of an organization having gross receipts exceeding $1,000,000 for any year, with respect to the return required under section 6033 for such year, the first sentence of this subparagraph shall be applied by substituting '$100' for '$20' and, in lieu of applying the second sentence of this subparagraph, the maximum penalty under this subparagraph shall not exceed $50,000.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns for taxable years ending on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Connecticut [Mrs. JOHNSON] and the gentleman from California [Mr. MATSUI] will each be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Connecticut [Mrs. JOHNSON].

GENERAL LEAVE

Mrs. JOHNSON of Connecticut. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous remarks on H.R. 2337.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House already has acted favorably on the contents of H.R. 2337 when it passed the 7-year Balanced Budget Act on October 26, 1995. The Taxpayer Bill of Rights II was part of the Committee on Ways and Means title of H.R. 2491.

The freestanding bill which the Committee on Ways and Means approved on March 21, 1996, is substantially the same as the provisions which passed the House last October as part of the 7-year Balanced Budget Act, with only minor technical changes and adjustments to some of the bill's effective dates. Upon the President's veto of that bill, Mr. Speaker, Commissioner Richardson implemented a number of our recommendations by administrative action, and for that I thank her.

I commend her as well and appreciate her concern with our point of view by enclosing my remarks in which I expressed great concern for the IRS's use of economic reality audits with the distribution of her guidance to her staff in the use of these extensive audits for the purpose of assuring that people do pay their fair share.

I have enjoyed working with Commissioner Richardson and her staff, and my colleague the gentleman from California [Mr. MATSUI] and I believe that the bill we bring before you today will move us forward in assuring taxpayers' rights in dealing with the IRS, but also will do so in a way that is harmonious with our underlying law and the responsibilities of the IRS.

Yesterday was April 15, the deadline for American citizens to file their income tax returns for 1995. Most citizens filed their tax returns, will receive their refunds, and never hear from the IRS again. They are the lucky ones.

The Taxpayer Bill of Rights aims to expand the protections for the unlucky taxpayers who become involved in a tax dispute with the IRS. These taxpayers often feel as if they are engaged in a David versus Goliath contest.

H.R. 2337 gives taxpayers some important procedural tools in defending themselves in controversies with the Goliath of the IRS. While procedural tax rules may not seem glamorous, they can be extremely important in deciding the outcome of a tax dispute.

For example, TV viewers who followed the O.J. Simpson trial last year learned that procedural rules can have a major impact on the outcome of a legal controversy. In a similar way, the procedural tax rule changes and the Taxpayer Bill of Rights II will have a significant effect on the outcome of tax disputes with the IRS.

For example, the committee learned of cases where the IRS began auditing a taxpayer's return, and then the IRS employee conducting the audit was transferred to a new division and the return sat for another year or two before the audit was completed. Under current law, the IRS has no authority to abate the interest which ran up during this period. H.R. 2337 addresses this problem by giving the IRS expanded authority to abate interest charges that occur as a result of unreasonable delays caused by the IRS's own process.

The bill will also make it easier for taxpayers who win their cases against the IRS in Tax Court to collect attorneys' fees. Under current law, not only does a taxpayer have to prevail on the merits against the IRS to collect attorneys fees, he must also prove that the IRS was not justified in pressing the case against him. H.R. 2337 would switch the burden to the IRS of proving that its position was substantially justified. This is consistent with the judicial principle that the party in control of the facts should bear the burden of proof.

Another provision would help taxpayers who enter into installment payment agreements with the IRS. Under current law the IRS does not have to give notice to the taxpayer before it revokes an installment payment plan. This can result in a hardship when the IRS revokes an installment agreement based on faulty information. H.R. 2337 would require the IRS to give 30 days advance notice before it revokes an installment agreement in order to give the affected taxpayer an opportunity to challenge this action.

Further, in the extreme cases where the IRS damages the taxpayer because its employees act recklessly in collecting taxes, the bill would raise the ceiling for damage claims by taxpayers against the IRS to $1 million. The current ceiling is $100,000.

Finally, for the first time, the experience of the IRS ombudsman as to the most common problems experienced by taxpayers will be relayed directly to the Committee on Ways and Means,

without passing through the many layers of administrative filters of the IRS and then the Department of the Treasury.

This will enable us here in Congress to respond in a far more timely fashion to the problems, indeed the snares, taxpayers get caught in as they deal with the IRS. That will allow us to deal with the legitimate problems, while assuring that the IRS can collect the legitimately owed taxes.

Mr. Speaker, the Nation's taxpayers probably will never enjoy paying taxes, but they should not feel powerless in their dealings with the IRS. The Taxpayer Bill of Rights II will establish many new procedural protections for taxpayers. Like the David in Biblical history, the average taxpayer may be smaller than the rival IRS, but we are giving him some significant weapons with which to defend himself.

I support the passage of H.R. 2337, urge my colleagues to do likewise, and I thank the gentleman from California [Mr. MATSUI], and his able staff, for their work with us on this matter over the last many months.

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

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

Mr. Speaker, I also rise in strong support of H.R. 2337. This legislation has been adopted numerous times by the Committee on Ways and Means on a bipartisan basis, and certainly on the floor of the House it has been adopted as well, and the enactment is certainly long overdue. This legislation is supported by the administration and will result in a much needed protection for taxpayers in their dealings with the Internal Revenue Service.

Mr. Speaker, I would like to first of all take this opportunity to commend the gentlewoman from Connecticut, Chairwoman NANCY JOHNSON, who has done a tremendous job on making sure that we have a bipartisan approach to this piece of legislation. All through the drafting and the putting together of this legislation, we have worked very cooperatively, and she and her staff have kept us informed, and I just want to take this opportunity to personally thank her for her efforts.

Certainly it goes also to the majority's fine staff, Donna Steele, and the members of our staff, Beth Vance, as well; all have played a significant role in making sure this legislation is in the form that it is today.

I want to also thank Secretary Rubin, and particularly Les Samuels, the assistant to Mr. Rubin, who has been very helpful with his input in the drafting of this legislation. Of course, the Internal Revenue Commissioner, Margaret Richardson, who has made, as Chairwoman JOHNSON stated in her opening statement, numerous reforms in this particular area.

This legislation, Mr. Speaker, is the second comprehensive taxpayers' bill of rights that have been adopted by the Congress and signed, hopefully signed, by the President. this bill will establish, as the gentlewoman from Connecticut [Mrs. JOHNSON] has said, a taxpayer advocate which will replace the ombudsman.

The advocate will have four main responsibilities. One to assist the taxpayer in resolving problems with the Internal Revenue Service; two, to identify problem areas within the Internal Revenue Service; three, a proposed change in the practice of the Internal Revenue Service to solve these problems; and, four, identify legislative solutions to these problems as well.

The second area in this bill in terms of making major changes, it will switch the burden of proof in cases in which attorneys' fees will be awarded. Currently taxpayers must show that the position of the IRS was not substantially justified in order to recover his or her attorney fees. Under the bill, a taxpayer who wins a suit can recover his or her fees unless the Internal Revenue Service can show that it was substantially justified in pursuing the action against the taxpayer in the first instance.

Three, the bill includes a number of provisions in which the IRS has greater flexibility in waiving certain penalties and will require that the Internal Revenue Service notify taxpayers before taking actions that would adversely affect them.

Fourth, the bill does address a problem that has been in the news over the last few years, and this deals with divorced spouses. There have been several cases where divorced spouses have signed returns not knowing what is in these returns, and before collection will occur now the Internal Revenue Service must give advance notice to the former spouse before any collection efforts will be taken.

In addition, the Service will do a study that will be due back in 6 months on how to deal with the issue of joint and several liability, undoubtedly which will affect many people in the middle of a divorce or are divorced when the filing occurs.

Again, I would like to thank the gentlewoman from Connecticut [Mrs. JOHNSON] and members of the majority staff for all their help in this effort. I know that this is only the second step. We intend I believe to have a taxpayers' bill of rights III during the next Congress, and I look forward to working with the members of this committee and certainly the Members of the House and the administration.

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

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. ARCHER], the chairman of the Committee on Ways and Means, and I thank him for his participation.

Mr. ARCHER. Mr. Speaker, I thank the gentlewoman for yielding me time, and also commend her on the outstanding work she has done on this bill.

Mr. Speaker, I rise in strong support of the Taxpayer Bill of Rights II, which will establish many new protections for the Nation's taxpayers in their dealings with the IRS. The campaign to safeguard taxpayer rights has a long history. The original Taxpayer Bill of Rights was enacted in 1988. While this legislation was a good first step, the continuing course of constituent complaints against the IRS has convinced us of the need to enact additional taxpayer protections.

Under this bill, taxpayers who are involved in a dispute with the IRS will be armed with additional rights and protections. In the David against Goliath fight between the taxpayer and the IRS, this bill is the slingshot the taxpayer can now use to win his or her fight.

I compliment the gentlewoman from Connecticut, [Mrs. JOHNSON], chairwoman of the Subcommittee on Oversight, and the gentleman from California [Mr. MATSUI], the ranking Democrat, for their dedication to championing the cause of the Nation's taxpayers.

Mr. Speaker, the IRS is the agency tasked with the responsibility of enforcing our Nation's tax laws and collecting the taxes that are legally due. It is an important job, because the functioning of the Federal Government depends on the public's willingness to voluntarily pay the taxes they owe. However, it is also a very difficult responsibility because the complicated structure of our current income tax system necessarily interjects the IRS into the private lives of the American people.

There is no question the IRS has grown too powerful and too intrusive. However, this has come in direct response to the growing complexity of our current tax system. The ultimate solution to this problem is to tear the income tax out by its roots and eliminate the need for an agency which must delve into our private lives in order to enforce the tax system. But until Congress fundamentally reforms the tax laws, the next best approach is to make the current tax system operate in a way which treats taxpayers more fairly.

☐ 1230

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

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. COX].

Mr. COX of California. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, too often the taxpayer is at the mercy of the IRS, and the whole purpose of this bill is to try to set that right, at least a little bit.

Included in this Taxpayer Bill of Rights II is the Fast and Efficient Tax Filing Act, and I want to thank the Members that worked on Ways and Means, in particular my colleague the gentlewoman from Connecticut, NANCY JOHNSON, and my colleague from California for including this in the legislation, so thank you, Mr. MATSUI, as well.

The Fast and Efficient Tax Filing Act is going to make at least one area of the Internal Revenue Code a little more user friendly. Many of you may have at one time in your lives stood in line for an IRS Postal Service postmark to mail your tax return on April 15.

Turns out that in order to use this rule, the Postal Service must be the form of delivery. If on the morning of April 15 you send it Federal Express, UPS, or some overnight delivery, and it gets there the next day, that is not good enough. If you put it in the mailbox and it gets postmarked, or if you stand in line and get that receipt from the Postal Service, even though the IRS does not get it for a week, then you can use the rule.

Both taxpayers and the IRS are being cheated under the current system. As a result of the Fast and Efficient Tax Filing Act, no more midnight waits at the post office; send it Fed Ex, call 1–800 pickup or DHL, or any of the competitors that we have that operate in America to deliver things efficiently throughout the rest of our economy. Next year you will be able to do that as a result of the passage of this bill.

So I want to congratulate once again my colleagues, the gentleman from California [Mr. MATSUI] and the gentlewoman from Connecticut [Mrs. JOHNSON], for including this in a wonderful bill. The IRS is going to get returns faster. Our constituents will not stand in line. At least this one area of our onerous Tax Code will have a modicum of common sense.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from California for his good work. He did contribute to this bill very substantially, and I thank him for his comments today.

Mr. Speaker, I would now like to recognize the gentleman from Ohio [Mr. TRAFICANT], and in so doing I want to recognize his tireless efforts to promote the rights of taxpayers in their dealings with the IRS. He has long been one of this body's most steadfast champions for the Nation's taxpayers, and he deserves much of the credit for provision in this bill relating to burden-of-proof issues, including the provision relating to the award of attorneys fees and costs, which shifts the burden to the IRS to prove that it was justified in bringing its case against the taxpayer.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I appreciate that from the distinguished chairwoman, and I think the gentlewoman from Connecticut, Mrs. JOHNSON was tired of having me run her down on the floor, and the gentleman from Texas, BILL ARCHER. I want to thank Speaker GINGRICH, the gentleman from Texas, DICK ARMEY, the gentlewoman from Connecticut, NANCY JOHNSON, the gentleman from Texas, BILL ARCHER, the gentleman from Florida, SAM GIBBONS, and the gentleman from California, BOB MATSUI.

Yes, I have been aggressive on some of these issues, and the gentlewoman from Connecticut has accommodated me under a powerful strain of opposition at times from the Internal Revenue Service.

Two provisions I worked hard for, as cited by the gentlewoman from Connecticut [Mrs. JOHNSON]. No. 1, after a matter has been adjudicated, a taxpayer can in fact go after those attorney fees and costs and, in fact the burden of proof after adjudication is thus switched to the IRS to justify and maintain their position for going after the taxpayer in the first place.

That is a good first step, my colleagues. I have no complaints with that, and I commend you and thank you for doing something I could not get a Congress to do over the last four terms.

The second one says that right now there is a cap of $100,000 when an IRS agent violates the rights of a taxpayer. In my provision in here it increases that cap to $1 million, and I think $1 million will get their attention.

This is a great first step, but I want to just make a few points today, and I want to ask the Committee on Ways and Means to consider what I say very seriously. More than 97 percent of the American people support the change in the burden of proof in a civil tax case. No one has helped me more than the gentlewoman from Connecticut [Mrs. JOHNSON] and the gentleman from Texas [Mr. ARCHER]. As a Democrat, I want to commend the Republican leadership for giving me an opportunity on this.

Right now, under current existing law, in a civil tax case a taxpayer goes into court with the burden of proof. They have to prove they are innocent. There is no other provision in law. I do not know how this evolution has come about, where all of a sudden we have a law that places an American guilty in the eyes of the court and under the statutory law and they must prove themselves innocent.

Some of the arguments we are getting from the IRS are that deadbeats might get over. I do not believe that. I think the IRS is now saying that this would be a big revenue loser. I would say to all leaders, if we scored the Bill of Rights and let the IRS score the Bill of Rights, would we enjoy the freedoms of the Bill of Rights? Money is not an argument here.

I think when the IRS says, ''Look, Mr. TRAFICANT, don't confuse us with the Constitution,'' I cannot buy the argument.

I am asking the Committee on Ways and Means to look at offsets. My new bill, H.R. 2450, handles this matter differently. It breaks it down to administrative and judicial.

When a taxpayer gets notice of an administrative audit, in that administrative procedure they have the burden of proof. They must substantiate those representations they make on their tax forms. But in good faith, having made those representations and the IRS then choosing to take the matter to court, the Traficant bill says at that point the burden of proof shifts to the IRS and the IRS shall be able to justify their case, prove evidence, submit evidence, and prove that matter.

Let me say this. That is something that we here in Congress should do. I would even be willing to have a provision in that bill that says that in the administrative procedure where the burden of proof is on the taxpayer, they must comply, if they are not compliant and deemed to have not complied in the eyes of the court, that the court can maintain the burden of proof on the taxpayer.

It would force the administrative process to be up front. We could expedite these cases. I do not think we would have as big a revenue problem as we have, and I would urge the committee to look at the scoring of it, but not only look at the scoring but to look at the offsets for funds to right this wrong.

But for me to stand up here today and to say because this total burden of proof is not enacted makes this bill weaker would not be fair. The gentlewoman from Connecticut [Mrs. JOHNSON] has done a fine job. I thank her for putting up with me.

The gentleman from California [Mr. MATSUI] and the gentleman from Texas [Mr. ARCHER] are going to have to put up more with me, and their staff, because I will not be satisfied until we right the wrong. A taxpayer in America pays the freight on this train coming down the track and, by God, they should at least be considered like everyone else in a court of law, innocent until proven guilty.

I am asking for their help, and I appreciate the time the gentlewoman has given me.

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

First, I want to commend the gentleman from Ohio [Mr. TRAFICANT]. As the gentlewoman from Connecticut [Mrs. JOHNSON] has said, he really has been very helpful providing information to us, both in terms of the burden of proof issue and, second, in terms of lifting the $100,000 cap to $1 million in terms of the damage issue. We want to thank him very, very much for that.

We both look forward to working with the gentleman in the future on the third tax bill of rights legislation when we bring it before the House. Again, we thank him.

Second, I would like to just thank the gentleman from California [Mr. COX] for his very helpful information and piece of legislation, as well, in terms of the alternative uses besides the Postal Service in terms of filing returns.

I might also add the name of this legislation is the Pickle-Johnson legislation, and that is not two Texans, that

is not President Johnson, but that is the gentlewoman from Connecticut, NANCY JOHNSON, and of course Jake Pickle, who was really one of the leaders for the last 10 years working on the tax bill of rights. This is the Pickle-Johnson legislation.

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

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would like to comment that my colleague, the gentleman from California [Mr. MATSUI], and I and our staff have worked very hard, not only together and with Members and with constituents who have testified, but also with the IRS. These provisions are going to front-load those defenses that taxpayers need so that we should not be getting into the kinds of problems that the gentleman from Ohio [Mr. TRAFICANT] describes.

By assuring taxpayers better information, more open communication and better procedures, we believe their rights will be defended long before they get into the level of controversy that has concerned the gentleman, and rightly so.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas, Mr. SAM JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I too would like to commend the gentlewoman from Connecticut, NANCY JOHNSON, and the gentleman from California, Mr. MATSUI, for doing a good job and for getting this bill back to the floor, this bill of rights back to the floor for a second time.

As you know, the President vetoed it back in December, along with a bunch of other stuff. But this bill is important because the powers of the IRS to investigate and examine taxpayers are greater than any other Government agency. They are intrusive. They are into our lives, and it seems that the constitutional rights of taxpayers are always trampled upon but nothing is ever done.

This bill makes important commonsense changes to current law that will strengthen the rights of American taxpayers. It establishes a taxpayer advocate to prevent the IRS from treating taxpayers like second class citizens. It increases the amount people may sue the IRS from $100,000 to $1 million. And for the first time, it allows the Federal courts to determined IRS failure and abuse of discretion.

While this bill makes important progress to rein in the IRS and its 115,000 IRS agents, I believe America is demanding that the entire system should be replaced, and I think we must insist that any new system must empower individuals and not the Government; provide opportunities, not dead ends, and, most importantly, it must offer the hard-working people of this country the freedom to achieve the American dream.

I commend the gentlewoman again for bringing this bill to the floor again, and I hope we can get it through in good shape this time.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Speaker, I thank the gentlewoman for yielding this time to me, and I stand up in vigorous support of a commonsense change in the law as it affects the taxpayers' rights in balancing it out with the rights and duties of the Internal Revenue Service.

The Internal Revenue Service is a needed agency which looks over the collection of taxes in this country. There is no question about it. But there are some things that need to be balanced out which this legislation does.

To give just a few examples of what is in this bill that needs to be done: One of the provisions in here would allow the IRS to release property on which there are liens when it is to the advantage of the Government to do so. Right now they cannot do that.

You have situations where businesses are closed down, where if the IRS would simply allow them to continue to exist for a short period of time, the Federal Government could make up some of the dollars that it is losing. And, of course, also, there is a question of jobs being lost. This is just plain common sense.

When we have a situation where a spouse is charged with liability because of signing a joint return and the secrecy law comes into play, it is only common sense, if we are going to go after using the female spouse, that we would be able to share certain information, which now the IRS is prohibited from doing.

These are just a couple of examples of just pure common sense that we are putting into the law.

I compliment my fellow Members of the Committee on Ways and Means. It was a good meeting, and I think it shows that we have great bipartisan support, and I am sure that each Member of the Congress, every Member of the Congress is going to be proud to vote for and support this legislation.

Mr. MATSUI. Mr. Speaker, I yield myself such time as I may consume to say that I do not believe we have any further speakers.

I might just add, in closing on my side, that we hope that the Members support this bill. I urge support of this legislation. The President supports this legislation and will sign this bill and, again, I look forward to continuing working with the gentlewoman from Connecticut.

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

The SPEAKER pro tempore (Mr. CAMP). The gentlewoman from Connecticut has three-fourth of a minute remaining.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield the balance of my time to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Speaker, I rise today in support of the Taxpayer Bill of Rights. I think it is a step we need to take.

There are a couple of things I wish had been in it that are not there. One of them, the item that the gentleman from Ohio [Mr. TRAFICANT] has worked so hard on, and some of the rest of us, and that is to change the burden of proof. The other is that the IRS should pay back at the same interest rate that we have to pay if they overcharge us.

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But Congress, I think, has finally realized what taxpayers have known for years, that the IRS has too much power over the lives of ordinary citizens. This bill contains some much-needed reforms which make so much sense. I have to shake my head and wonder that these protections do not already exist.

This bill creates the position of taxpayer advocate. It expands the authority of the IRS to abate interest and penalties, extend the length of time which the taxpayer may fulfill his obligation to the IRS without accrual of excessive penalties and interest. It allows the taxpayer, when they are right, to collect the money in fees and costs from the IRS. I hope we can pass this bill.

Mr. NEAL. Mr. Speaker, yesterday the House was involved in a publicity stunt because of it being tax day. Today, we are debating tax legislation that will truly help the American people. Before us today is the Taxpayer Bill of Rights. The purpose of this legislation is to help those taxpayers who find themselves in dispute with the Internal Revenue Service [IRS].

This legislation will reduce the anxiety that surrounds April 15 each year. Taxpayers will have some extra assistance when they are faced with the IRS. This legislation is based on an extensive bipartisan effort of the Ways and Means Committee to assist the taxpayer. Mr. Pickle, the former chairman of the Subcommittee on Oversight, worked long and hard on this issue. The legislation before us today is substantially the same as legislation developed by Mr. Pickle. Also, Senator PRYOR has spent many years working on this legislation.

One of the key provisions of this legislation is the creation of an independent taxpayer advocate. The taxpayer advocate will work to improve taxpayer services and IRS responsiveness. The taxpayer advocate will report to the tax writing committees of Congress on the progress in this area. Another key provision requires the IRS to report to the tax writing committees on the misconduct of IRS employees. This report will give Congress the chance to study the misconduct of IRS employees and the punishment for misconduct.

Taxpayers will receive assistance for taxpayers who experienced difficulty with the IRS. This legislation would allow taxpayers who have been the victim of reckless collection actions by the IRS to sue the Government for $1 million up from the current cap of $100,000.

The bottom line is this legislation will make it easier for taxpayers to work with the IRS. Currently, the United States has an 86-percent rate of compliance for Federal taxes. Hopefully, this legislation will help improve compliance which is already the envy of other countries. This legislation will improve the working relationship between taxpayers and the IRS.

I am pleased this legislation is before us today. This legislation is a concrete way to help make April 15 a less stressful day for all Americans.

Mr. PORTMAN. Mr. Speaker, first of all, I would like to thank Chairman JOHNSON for her excellent leadership in crafting this bill. She and her Oversight Subcommittee staff have worked tirelessly on behalf of the American taxpayer.

Mr. Speaker, yesterday's deadline to file income tax returns reminds us of how much power the Internal Revenue Service has over the honest taxpayers of this country. We must ensure that the IRS isn't heavy-handed in enforcing regulations and that the taxpayer has adequate protections.

One of my constituents learned the hard way about how the IRS sometimes does business. While she was married, she and her self-employed husband filed a joint tax return. But after her divorce was finalized, the IRS determined that she was responsible for paying off almost all of the $30,000 in taxes her ex-husband owed the Federal Government.

The IRS rejected her plea for relief under the innocent spouse provision in the Tax Code because she had signed the joint tax returns. Her ex-husband is now off the hook, having settled with the IRS for about $5,000. Meanwhile, this divorcee currently owes the IRS $20,000, a burden that could affect her for the rest of her life. She says she feels like she's being punished for being a good citizen and for working hard. It certainly looks that way to me, too.

We owe it to the hardworking citizens of our country to prevent the IRS from unfairly pushing them around. Most people come away from a confrontation with the IRS feeling bruised and battered. This legislation at least will give them a fighting chance—it includes more than 30 items that give the taxpayers rights and powers in dealing with the IRS. Some of these provisions will help ensure that divorced filers are not victimized.

I urge my colleagues in the House to vote in favor of passage of this Taxpayer Bill of Rights—it will guard against unreasonable IRS positions and protect the rights of taxpayers.

Mr. PACKARD. Mr. Speaker, few things are scarier than getting into a dispute with the IRS. They truly believe that they are above the law and all too often taxpayers have no recourse.

During April, working Americans struggle to fill out complicated U.S. tax forms, enduring great anxiety and paying out large sums of money to accountants, just to guarantee that they are giving Uncle Sam the appropriate and expected amount. And when there is a dispute or audit, taxpayers—right or wrong—always end up paying the price. Ironically the IRS' own annual reports admit a high rate of errors and the IRS telephone information service gives out wrong answers as much as one-third of the time.

My Republican colleagues and I are committed to changing that. The taxpayer bill of rights that we consider today makes it harder for the IRS to demand America's hard-working families pay for the IRS' own mistakes. The more than 30 protections in this bill will waive interest charges when the IRS is at fault for tax underpayment. It extends time for taxpayers to pay delinquent taxes without being subject to interest and penalties. It allows taxpayers to sue the IRS for reckless collection actions and there are dozens of other taxpayer protections included in this measure.

Mr. Speaker, our tax system has veered out of control. My Republican colleagues and I know America needs tax reform and the debate will begin in earnest this week. Because, it will not happen overnight, we must provide tax relief now to America's families. The taxpayer bill of rights does that and more. It proves to our taxpayers that the Republican-led Congress is committed to returning fiscal responsibility to Washington.

Mrs. MINK of Hawaii. Mr. Speaker, I rise in support of H.R. 2337, the Taxpayer Bill of Rights Act, which represents significant advancement toward fair treatment of taxpayers under the Internal Revenue Code by the Internal Revenue Service.

I am particularly in favor of a section that embodies the intent of a bill that I introduced last year, H.R. 331, which would require the Federal Government to consider as having arrived on time any sealed bid for the procurement of goods or services, if the bid was sent by an overnight message delivery service at least 2 business days before the date specified for receipt of bids.

Current procurement law states that late bids cannot be considered for awards unless they were one, sent by registered or certified mail no later than 5 days before the bids receipt deadline, two, proven to have been delivered late due to mishandling by the receiving Government agency, or three, sent by U.S. Postal Service Express Mail Next Day Service no later than 2 business days prior to bid receipt deadline. This provision excludes from this portion of the procurement process the use of private delivery services, such as United Postal Service and Federal Express, despite the fact that these companies have proven trustworthy and reliable in overnight package delivery, not only meeting but in many cases exceeding the abilities of the U.S. Postal Service.

Similarly, Internal Revenue Code §7502 was recently interpreted by the Ninth Circuit U.S. Court of Appeals (*V.L. Correia,* 58 F.3d 468 (1995)) that only the date of actual delivery to the IRS or Tax Court by private delivery service is applicable, rather than the date of mailing as in cases of delivery by the U.S. Postal Service. Section 1210 of the bill before us would allow the Secretary of the Treasury to expand this timely mailing as timely-filing section to the use of private delivery companies that meet specified criteria. A significant number of American taxpayers every year attempt to submit their income tax returns to the IRS through a private delivery service, only to find this inadequate to demonstrate timely filing of their returns.

I urge my colleagues full support of this provision, as well as my bill, H.R. 331.

Mr. KLECZKA. Mr. Speaker, 8 years ago, the first ''Taxpayer Bill of Rights'' passed which created a more level playing field between citizens and the IRS with safeguards to protect taxpayers. The legislation gave taxpayers the right to sue the IRS for actions taken by its agents, provided financially troubled taxpayers the right to seek an installment tax payment plan, and enabled taxpayers who prevail over the IRS in court to seek reimbursement for part of their attorney fees in some circumstances.

Although this 1988 legislation was a step in the right direction, more can be done to help taxpayers. The ''Taxpayer Bill of Rights II,'' which I strongly supported in the Ways and Means Committee, contains over two dozen provisions to give taxpayers further protection. This bill will expand the power of the IRS Taxpayer Ombudsman to issue protective orders to help taxpayers, mandate that the IRS take reasonable steps to corroborate third-party information disputed by a taxpayer, and give the IRS the authority to waive the interest on late tax payments in cases where there is a valid reason for such payment. Additionally, the bill would increase to $1 million the civil damages for which a taxpayer could sue the IRS in cases of unauthorized collections.

The vast majority of citizens are responsible taxpayers who deserve the additional rights and safeguards that the Taxpayer Bill of Rights II will provide. I hope that Congress will quickly pass, and the President sign this meaningful bill. I urge a ''yea'' vote.

Ms. DUNN of Washington. Mr. Speaker, I rise in strong support of H.R. 2337, the Taxpayer Bill of Rights II and urge its adoption.

All too often ''tax fairness'' usually refers almost solely to whether Government is seizing the right amount of money from different economic classes—not how the tax collectors are treating the individual citizen.

Under U.S. law, Americans are innocent until proven guilty. Yet, when an individual taxpayer deals with the IRS, the taxpayer is guilty until he or she proves their innocence.

Over the past few months, I have heard from literally hundreds of constituents who have described to me numerous problems they see with our system of taxation. A common theme has been the intrusive nature of the Internal Revenue Service [IRS] and the enormous compliance burdens imposed on individuals.

This measure gives taxpayers a helping hand if they find themselves at odds with the IRS. The American taxpayer will be empowered with more than 30 protections in dealing with the IRS.

In addition to these protections, I will continue to work for the inclusion of an additional provision in the final version of this legislation that I have been working on within the Ways and Means Committee.

Specifically, the bipartisan provision, which I am sponsoring along with my colleague, Mr. MATSUI, would permit ''equitable tolling'' application in tax refund cases.

My interest in this area was precipitated by a highly publicized court case in which a 93-year-old senile man, Stanley McGill, overpaid his taxes in 1984. After Mr. McGill's death in 1988, Marian Brockamp found her late father's canceled check to the IRS in a pile of receipts. In fact, Mr. McGill owed the IRS $700—not $7,000. Mrs. Brockamp asked the IRS for a refund.

Although the agency acknowledged the mistake, it refused to return the money, claiming the 3-year statue of limitations on refund claims had expired.

But Brockamp's attorney argued that the time set aside for suing the Government should be extended under the legal doctrine known as equitable tolling—which is invoked in cases where a taxpayer is disabled.

A Federal judge in Los Angeles rejected that argument in 1993, but the 9th U.S. Circuit Court of Appeals overruled the lower court in June 1995, calling the IRS refusal unconscionable.

The Justice Department has appealed the decision to the Supreme Court.

This is just one example of an outrageous injustice that my commonsense change of law is intended to end.

H.R. 2337, the Taxpayer Bill of Rights II, will help the average American, who might have made an honest mistake in underestimating his taxes due by providing him a little more time to prove it was an honest mistake.

The new majority in this Congress is working on commonsense ways to give taxpayers a break. In fact, the Taxpayers Bill of Rights II itself is simply a long overdue exercise in common sense. Will Rogers once said, ''Common sense ain't that common.'' Well, like everything else, common sense is making a comeback.

The SPEAKER pro tempore (Mr. CAMP). The question is on the motion offered by the gentlewoman from Connecticut [Mrs. JOHNSON] that the House suspend the rules and pass the bill, H.R. 2337, as amended.

The question was taken.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

EXTENSION OF FREE TRADE BENEFITS TO WEST BANK AND GAZA STRIP

Mr. SHAW. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3074) to amend the United States-Israel Free Trade Area Implementation Act of 1985 to provide the President with additional proclamation authority with respect to articles of the West Bank or Gaza Strip or a qualifying industrial zone.

The Clerk read as follows:

H.R. 3074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL PROCLAMATION AUTHORITY.

The United States-Israel Free Trade Area Implementation Act of 1985 (19 U.S.C. 2112 note) is amended by adding at the end the following new section:

''SEC. 9. ADDITIONAL PROCLAMATION AUTHORITY.

''(a) ELIMINATION OR MODIFICATIONS OF DUTIES.—The President is authorized to proclaim elimination or modification of any existing duty as the President determines is necessary to exempt any article from duty if—

''(1) that article is wholly the growth, product, or manufacture of the West Bank, the Gaza Strip, or a qualifying industrial zone or is a new or different article of commerce that has been grown, produced, or manufactured in the West Bank, the Gaza Strip, or a qualifying industrial zone;

''(2) that article is imported directly from the West Bank, the Gaza Strip, Israel, or a qualifying industrial zone; and

''(3) the sum of—

''(A) the cost or value of the materials produced in the West Bank, the Gaza Strip, Israel, or a qualifying industrial zone, plus

''(B) the direct costs of processing operations performed in the West Bank, the Gaza Strip, Israel, or a qualifying industrial zone, is not less than 35 percent of the appraised value of the product at the time it is entered into the United States.

For purposes of determining the 35 percent content requirement contained in paragraph (3), the cost or value of materials which are used in the production of an article in the West Bank, the Gaza Strip, or a qualifying industrial zone, and are the products of the United States, may be counted in an amount up to 15 percent of the appraised value of the article.

''(b) APPLICABILITY OF CERTAIN PROVISIONS OF THE AGREEMENT.—

''(1) NONQUALIFYING OPERATIONS.—No article shall be considered a new or different article of commerce under this section, and no material shall be included for purposes of determining the 35 percent requirement of subsection (a)(3), by virtue of having merely undergone—

''(A) simple combining or packaging operations, or

''(B) mere dilution with water or with another substance that does not materially alter the characteristics of the article or material.

''(2) REQUIREMENTS FOR NEW OR DIFFERENT ARTICLE OF COMMERCE.—For purposes of subsection (a)(1), an article is a 'new or different article of commerce' if it is substantially transformed into an article having a new name, character, or use.

''(3) COST OR VALUE OF MATERIALS.—(A) For purposes of this section, the cost or value of materials produced in the West Bank, the Gaza Strip, or a qualifying industrial zone includes—

''(i) the manufacturer's actual cost for the materials;

''(ii) when not included in the manufacturer's actual cost for the materials, the freight, insurance, packing, and all other costs incurred in transporting the materials to the manufacturer's plant;

''(iii) the actual cost of waste or spoilage, less the value of recoverable scrap; and

''(iv) taxes or duties imposed on the materials by the West Bank, the Gaza Strip, or a qualifying industrial zone, if such taxes or duties are not remitted on exportation.

''(B) If a material is provided to the manufacturer without charge, or at less than fair market value, its cost or value shall be determined by computing the sum of—

''(i) all expenses incurred in the growth, production, or manufacture of the material, including general expenses;

''(ii) an amount for profit; and

''(iii) freight, insurance, packing, and all other costs incurred in transporting the material to the manufacturer's plant.

If the information necessary to compute the cost or value of a material is not available, the Customs Service may ascertain or estimate the value thereof using all reasonable methods.

''(4) DIRECT COSTS OF PROCESSING OPERATIONS.—(A) For purposes of this section, the 'direct costs of processing operations performed in the West Bank, Gaza Strip, or a qualifying industrial zone' with respect to an article are those costs either directly incurred in, or which can be reasonably allocated to, the growth, production, manufacture, or assembly, of that article. Such costs include, but are not limited to, the following to the extent that they are includible in the appraised value of articles imported into the United States:

''(i) All actual labor costs involved in the growth, production, manufacture, or assembly of the article, including fringe benefits, on-the-job training, and costs of engineering, supervisory, quality control, and similar personnel.

''(ii) Dies, molds, tooling, and depreciation on machinery and equipment which are allocable to the article.

''(iii) Research, development, design, engineering, and blueprint costs insofar as they are allocable to the article.

''(iv) Costs of inspecting and testing the article.

''(B) Those items that are not included as direct costs of processing operations with respect to an article are those which are not directly attributable to the article or are not costs of manufacturing the article. Such items include, but are not limited to—

''(i) profit; and

''(ii) general expenses of doing business which are either not allocable to the article or are not related to the growth, production, manufacture, or assembly of the article, such as administrative salaries, casualty and liability insurance, advertising, and salesmen's salaries, commissions, or expenses.

''(5) IMPORTED DIRECTLY.—For purposes of this section—

''(A) articles are 'imported directly' if—

''(i) the articles are shipped directly from the West Bank, the Gaza Strip, a qualifying industrial zone, or Israel into the United States without passing through the territory of any intermediate country; or

''(ii) if shipment is through the territory of an intermediate country, the articles in the shipment do not enter into the commerce of any intermediate country and the invoices, bills of lading, and other shipping documents specify the United States as the final destination; or

''(B) if articles are shipped through an intermediate country and the invoices and other documents do not specify the United States as the final destination, then the articles in the shipment, upon arrival in the United States, are imported directly only if they—

''(i) remain under the control of the customs authority in an intermediate country;

''(ii) do not enter into the commerce of an intermediate country except for the purpose of a sale other than at retail, but only if the articles are imported as a result of the original commercial transactions between the importer and the producer or the producer's sales agent; and

''(iii) have not been subjected to operations other than loading, unloading, or other activities necessary to preserve the article in good condition.

''(6) DOCUMENTATION REQUIRED.—An article is eligible for the duty exemption under this section only if—

''(A) the importer certifies that the article meets the conditions for the duty exemption; and

''(B) when requested by the Customs Service, the importer, manufacturer, or exporter submits a declaration setting forth all pertinent information with respect to the article, including the following:

''(i) A description of the article, quantity, numbers, and marks of packages, invoice numbers, and bills of lading.

''(ii) A description of the operations performed in the production of the article in the West Bank, the Gaza Strip, a qualifying industrial zone, or Israel and identification of the direct costs of processing operations.

''(iii) A description of any materials used in production of the article which are wholly the growth, product, or manufacture of the West Bank, the Gaza Strip, a qualifying industrial zone, Israel or United States, and a statement as to the cost or value of such materials.

''(iv) A description of the operations performed on, and a statement as to the origin and cost or value of, any foreign materials used in the article which are claimed to have been sufficiently processed in the West Bank, the Gaza Strip, a qualifying industrial zone, or Israel so as to be materials produced in the West Bank, the Gaza Strip, a qualifying industrial zone, or Israel.

''(v) A description of the origin and cost or value of any foreign materials used in the article which have not been substantially transformed in the West Bank, the Gaza Strip, or a qualifying industrial zone.

''(c) SHIPMENT OF ARTICLES OF ISRAEL THROUGH WEST BANK OR GAZA STRIP.—The President is authorized to proclaim that articles of Israel may be treated as though they were articles directly shipped from Israel for the purposes of the Agreement even if shipped to the United States from the West Bank, the Gaza Strip, or a qualifying industrial zone, if the articles otherwise meet the requirements of the Agreement.

''(d) TREATMENT OF COST OR VALUE OF MATERIALS.—The President is authorized to proclaim that the cost or value of materials produced in the West Bank, the Gaza Strip, or a qualifying industrial zone may be included in the cost or value of materials produced in Israel under section 1(c)(i) of Annex 3 of the Agreement, and the direct costs of processing operations performed in the West Bank, the Gaza Strip, or a qualifying industrial zone may be included in the direct costs of processing operations performed in Israel under section 1(c)(ii) of Annex 3 of the Agreement.

''(e) QUALIFYING INDUSTRIAL ZONE DEFINED.—For purposes of this section, a 'qualifying industrial zone' means any area that—

''(1) encompasses portions of the territory of Israel and Jordan or Israel and Egypt;

''(2) has been designated by local authorities as an enclave where merchandise may enter without payment of duty or excise taxes; and

''(3) has been specified by the President as a qualifying industrial zone.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. SHAW] and the gentleman from New York [Mr. RANGEL] each will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. SHAW].

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include therein extraneous material on the bill, H.R. 3074.

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

There was no objection.

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

Mr. Speaker, I am pleased to introduce, along with the gentleman from Illinois [Mr. CRANE], the Gaza Strip-West Bank bill. This is a noncontroversial bill that received great bipartisan support when we marked it up previously in the Ways and Means Committee. It is also supported by the administration. The provisions of this bill will permit the President to eliminate or modify any existing duty on products that are produced in the Gaza Strip-West Bank area.

In light of the recent occurrences in Israel, this bill is most timely and will aid in the peace process. Since February 25, suicide bombers have killed five innocent civilians. The Israelis and Palestinians want peace for their people, security for every citizen and hope that they can peacefully coexist. It is very important for the United States and this Congress to show their collective will that they will do all they can do to further the peace process. The passage of this bill will send a very clear signal to the international community that we support normalized relations between the Israelis and the Palestinians.

The provisions of this bill will strengthen the Israeli and Palestinian relation by providing economic and employment relief to that area and it will help the establishment of a Palestinian State. I urge all of my colleagues to support this most important piece of legislation.

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

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

Mr. Speaker, I rise as an original cosponsor in strong support of H.R. 3074. This legislation would authorize the President to proclaim duty-free treatment for products of the West Bank, the Gaza Strip, and industrial zones that may be created in the region. Similar treatment is granted products of Israel under the United States-Israel free-trade agreement implemented in 1985. In return, the Palestinians have agreed to provide duty-free access to United States products, to prevent illegal transshipments, and to support an end to the Arab boycott of Israel.

This legislation is supported by the Israeli Government. The administration supports extension of duty-free treatment as part of the Mideast peace process to promote investment and economic development in the region.

I am not aware of any opposition to this bill, and urge its passage.

Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I thank my good friend from New York for yielding time to me.

Mr. Speaker, I support this legislation and will support this legislation, but I really feel that this ought to be used as an explanation to what has been happening in the Middle East. Everyone supports investment and economic development in the West Bank and Gaza Strip. We know ultimately that that is really the only way that peace is going to survive in the Middle East.

However, Chairman Yasser Arafat and the PLO have promised repeatedly to amend the covenants of the PLO charter which call for the destruction of Israel. And in the recently concluded agreement to which they signed, they agreed that 2 months after the Palestinian elections were held that the Palestine National Council would meet and would amend the covenants, would take out the part that calls for Israel's destruction. That date is fast approaching. That date will come on May 7, and, much to my chagrin, I have not yet heard the positive signs that I would like to hear that that May 7 deadline will be kept.

Several weeks ago, Mr. Speaker, I circulated a letter along with my colleague, the gentleman from New Jersey [Mr. SAXTON], which was signed by over 100 Members of the House, bipartisan Members of the House. It was a letter to Yasser Arafat telling him that according to the law of which we provide aid to the Palestinian entity that all aid must cease unless those covenants are amended and that the May 7 deadline is fast approaching.

We implored, we pleaded with Chairman Arafat to give us a commitment that that deadline would be met. Last week, I received a replay from Chairman Arafat and, much to my chagrin, he did not even mention the covenants in his reply to our letter, although our letter specifically was about amending those covenants. He talked about the peace process. he talked about normalization, but he did not address the issue of the covenants.

Now, the gentleman from New Jersey [Mr. SAXTON] and I are sending another letter to him, asking him to please address the issue of the covenants and to please give us assurances that he will keep his word. I must say, Mr. Speaker, that, if May 7 comes and goes and those covenants are not amended, it will be very difficult for me to continue to support continued aid to the Palestinian entity, to the Palestinian authority.

I believe that peace agreements are good, but I believe that both sides must keep their agreement. And as cochair of the peace monitoring accord group along with the gentleman from New Jersey [Mr. SAXTON], we intend to make sure that all parties comply with the agreement that they signed.

We are not telling the parties what to sign. We are not telling the parties what to do. All we are saying is that the parties need to keep their word. They need to adhere to the agreement that they signed. And I think the issue of the covenants are a very, very important issue.

Mr. Speaker, it is very, very difficult to believe that somebody really wants peace if they habitually refuse or ignore calls to amend the covenant calling for the destruction of one side, in this case the destruction of the State of Israel. So I think the time has long past. It has now been several years. And those covenants really, really need to be amended. And again according to United States law, no aid can continue to the Palestinians unless those covenants are changed.

Let me finally say about this that it is not enough, I think, to just pass something and say well, this supersedes. We want those covenants abrogated. We want them eliminated. We do not want some whitewashing of them and somehow trying to fudge the issue or to allow Mr. Arafat to speak out of both sides of their mouth.

Mr. Speaker, I support the peace process fully. I think the suicide bombings have brought a sense of reality to the peace process, but peace must continue and must go on. I think what is going on in Lebanon today and for the past several days also is a sobering realization that there are many, many people that want to destroy the peace process. The Hezbollah are guerrillas, the so-called Party of God, the people who are rejecting it on the Palestinian side.

We need to persevere. But in order to have a real peace, Mr. Speaker, I believe that both sides must keep their agreement. And I say it again and I say it for all to hear, to Mr. Arafat, you must abrogate those covenants calling for Israel's destruction or American aid will cease. Now, I support this because again I think free-trade benefits to the West Bank and Gaza Strip are important. But again, these benefits and all benefits will stop if those covenants are not abrogated.

Mr. SHAW. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. CRANE], chairman of the Subcommittee on Trade of the Committee on Ways and Means.

Mr. CRANE. Mr. Speaker, I am pleased to rise today in support of H.R. 3074, legislation that would provide the President proclamation authority to modify tariffs on products from the West Bank, Gaza Strip, and qualifying industrial zones. I introduced this bill, together with my colleagues Mr. SHAW and Mr. RANGEL, because I believe it will go a long way to improve the tense situation in the Middle East. This bipartisan bill was reported favorably out of the Ways and Means Committee by voice vote without amendment on March 14 and enjoys the full support of the administration.

Specifically, the effect of the provision is to offer to goods from the West Bank, Gaza Strip, and qualifying industrial zones the same tariff treatment as is offered to Israel under the United States-Israel Free-Trade Agreement. In exchange for this preferential tariff treatment, the Palestinian Authority has agreed to accord United States products duty-free access to the West Bank and Gaza Strip, to prevent illegal transshipment of goods not qualifying for duty-free access, and to support all efforts to end the Arab economic boycott of Israel.

I believe that granting duty-free treatment for goods produced in these zones in exchange for the commitment by the Palestinian Authority is important to the Middle East peace process. In addition, it will increase employment and will stimulate the economy of the region. Therefore, I encourage my colleagues to give their full support to this bill.

Mr. RANGEL. Mr. Speaker, I just want to urge the adoption of this legislation. As I said earlier, it is supported by both sides of the aisle and the President.

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

Mr. ARCHER. Mr. Speaker, I am very pleased today to support H.R. 3074. I congratulate my colleagues, Chairman CRANE and Mr. SHAW, in working hard to bring this important piece of legislation before the House today. This bill enjoys bipartisan support and is noncontroversial.

H.R. 3074 would permit the expansion of preferential tariff treatment in the Middle East, specifically to goods from the West Bank, Gaza Strip, and qualifying industrial zones in the area. This provision would implement an agreement with the Palestinian authority that would benefit United States interests because United States products would also be accorded duty free access to these areas and steps would be taken to end illegal transshipment of goods not qualifying for such treatment. In addition, the Palentinian authority has agreed to support all efforts to end the Arab economic boycott of Israel.

Although the impact of this legislation will not cover a large dollar amount of trade, I believe that it sends an important signal to encourage the Middle East peace process. I have always said that free trade is the most effective public policy tool that we possess to increase peace and prosperity in our society. This legislation is part of that process. I urge my colleagues to vote for H.R. 3074.

Mr. SHAW. Mr. Speaker, I join with my colleague and good friend, the gentleman from New York [Mr. RANGEL], and ask for a ''yes'' vote on this important piece of legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. SHAW] that the House suspend the rules and pass the bill, H.R. 3074.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PRIVILEGES OF THE HOUSE—RETURNING TO THE SENATE S. 1463

Mr. SHAW. Mr. Speaker, I rise to a question on the privileges of the House and I offer a resolution (H. Res. 402) returning to the Senate the bill S. 1463.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 402

Resolved, That the bill of the Senate (S. 1463) to amend the Trade Act of 1974 to clarify the definitions of domestic industry and like articles in certain investigations involving perishable agricultural products, and for other purposes, in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

The SPEAKER pro tempore. The resolution constitutes a question of the privileges of the House.

Under the rule, the gentleman from Florida [Mr. SHAW] will be recognized for 30 minutes, and the gentleman from New York [Mr. RANGEL] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. SHAW].

□ 1300

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

Mr. Speaker, this resolution is necessary to return to the Senate the bill S. 1463, because it contravenes the constitutional requirement that revenue measures shall originate in the House of Representatives. S. 1463 would create a new basis for applying import restrictions, and therefore contravenes this constitutional requirement.

S. 1463 proposes to amend title II of the Trade Act of 1974, which sets forth the authority and procedures for the President to provide temporary import relief to a domestic industry which has been seriously injured by imports. Under the so-called ''safeguard'' statute, the International Trade Commission conducts an investigation upon request, and, if appropriate, makes a recommendation to the President regarding what action would address the injury to the industry. This action may include a tariff, tariff-rate quota, quantitative restriction, or adjustment measures. The President then must determine what action, if any, is appropriate. The actions authorized to be taken by the President include a duty, tariff-rate quota, quantitative restriction, adjustment measure, or negotiation of trade agreements limiting imports into the United States.

S. 1463 changes this authority and procedure by authorizing the ITC to limit its investigation with respect to a domestic agricultural product produced within a particular growing season. As a result, S. 1463 changes the predicate necessary for achieving access to the desired trade remedy, which takes for form of an import restriction. As a result, the proposed change would allow products which do not currently qualify for import relief to be able to qualify in the future. This would have the effect of creating a new basis and mechanism for applying import restrictions under authority granted to the President, which is not currently available.

Import relief granted under this new authority would have a direct effect on customs revenues. The proposed change in our tariff laws is a ''revenue affecting'' infringement in the House's prerogatives, which constitutes a revenue measure in the constitutional sense. Therefore, I am asking that the House insist on its constitutional prerogatives.

There are numerous precedents for the action I am requesting. For example, on March 21, 1996, the House returned to the Senate S. 1518, repealing an existing import restriction in the Tea Importation Act of 1897. On July 21, 1994, the House returned to the Senate S. 729, prohibiting the import of specific products which contain more than specified quantities of lead.

On February 25, 1992, the House returned to the Senate S. 884, requiring the President to impose sanctions, including import restrictions, against countries that fail to eliminate large-scale driftnet fishing. On October 31, 1991, the House returned to the Senate S. 320, including provisions imposing, or authorizing the imposition of a ban on imports in connection with export administration. On September 23, 1988, the House returned to the Senate S. 2662, imposing import quotas on textiles and footwear products.

I want to emphasize that this action does not constitute a rejection of the Senate bill on its merits. Adoption of this privileged resolution to return the bill to the Senate should in no way prejudice its consideration in a constitutionally acceptable manner.

In fact, I introduced companion legislation, H.R. 2795, on December 15, 1995, in order to address the identical issues by S. 1463. In addition, at my request, the Ways and Means Subcommittee on Trade will be holding a hearing on H.R. 2795 on April 25.

Accordingly, the proposed action today is purely procedural in nature, and is necessary to preserve the prerogatives of the House to originate revenue matters. It makes it clear to the Senate that the Appropriate procedure for dealing with revenue measures is for the House to act first on a revenue bill, and for the Senate to accept it or amend it as it sees fit.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. GOSS].

(Mr. GOSS asked and was given permission to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, I thank the gentleman from Florida [Mr. SHAW] for yielding this time to me.

I rise in strong support of what the gentleman from Florida is trying to do primarily because of the casualties. We are suffering unnecessary casualties. There are things we can do to repair that damage, and the gentleman from Florida [Mr. SHAW] has the right answer.

Mr. Speaker, Florida winter fruit and vegetable growers are being drowned in a flood of cheap Mexican produce. While current U.S. laws allow other industries in this position to seek relief under a GATT and NAFTA legal escape clause, this option is not really open to our growers because of the seasonal nature of their industry. In January, the Florida delegation made a bipartisan push to attach language to the continuing resolution to correct this technical, definitional problem in section 202 of the 1974 Trade Act. While these efforts hit a snag in the House, Florida's Senators were able to join forces to pass a stand-alone measure in the Senate.

Today, S. 1463 is being blue-slipped on procedural grounds because it is the prerogative of the House to originate revenue measures. The members of the Florida delegation respect the need to proceed under the regular rules of the House, but believe that this measure must be moved forward. For this reason, we are pleased to see that the House Ways and Means Subcommittee on Trade will be holding hearings on Representative SHAW's section 202 fix next week. From there, we hope to see the measure return quickly to this floor for full consideration. We hope that when this measure emerges from committee for a vote, you will join us in giving fair treatment to American farmers.

Florida growers perform a unique function for this country by competing head-to-head—not with other American producers, but with foreign producers—to provide winter fruits and vegetables for Americans. They deserve our support.

Mr. SHAW. Mr. Speaker, at this time I have no additional speakers. I compliment the Senators and the Senate for the passage of this bill, and hopefully they can expeditiously pass it in the final analysis.

Mr. Speaker, I have no further requests for time, 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.

EXTENSION OF FEDERAL POWER ACT DEADLINE FOR PROJECT IN KENTUCKY

Mr. SCHAEFER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2501) To extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Kentucky, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2501

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DEADLINE.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 10228, the Commission shall, at the request of the licensee for the project and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project, under the extension described in subsection (b), for not more than 3 consecutive 2-year periods.

(b) EFFECTIVE DATE.—This section shall take effect on the date of the expiration of the extension of the period required for commencement of construction of the project described in subsection (a) that the Commission issued, prior to the date of enactment of this Act, under section 13 of the Federal Power Act (16 U.S.C. 806).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. SCHAEFER] and the gentleman from New Jersey [Mr. PALLONE] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. SCHAEFER].

GENERAL LEAVE

Mr. SCHAEFER. 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. 2501, as amended.

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

There was no objection.

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

(Mr. SCHAEFER asked and was given permission to revise and extend his remarks.)

Mr. SCHAEFER. Mr. Speaker, these bills extend the deadline for construction of hydroelectric projects in the States of Illinois, Kentucky, North Carolina, Ohio, and Pennsylvania. Under section 13 of the Federal Power Act, project construction must begin within 4 years of the issuance of the license. If the licensee has not begun construction by that time, the Federal Energy Regulatory Commission cannot extend the deadline and must terminate the license.

These types of bills have not been controversial in the past, and the bills we are considering today were reported out of the Commerce Committee by unanimous voice vote. The bills do not alter the license requirements in any way and do not change environmental standards, but merely extend the Federal Power Act deadline for construction.

There is a need to act, since the construction deadlines for some of the projects have already expired. If Congress does not act, the Commission will terminate the licenses, the project sponsors will lose millions of dollars they have invested in the projects, and communities will lose the prospect of significant job creation and added revenues.

The principal reason construction of these projects has not commenced is the lack of a power sales contract. In order to finance a hydroelectric project, a sponsor typically requires a power sales contract to obtain financing necessary to begin construction. However, due to the sweeping changes in the electric industry today, many utilities are reluctant to sign the long-term purchase contracts. These bills give licensees additional time to obtain financing.

I should also note that the bills incorporate the views of the Federal Energy Regulatory Commission. The Energy and Power Subcommittee solicited the views of FERC, and amended the legislation to limit extensions to 10 years, as recommended by the Commission.

I would like to briefly describe the first of the bills, H.R. 2501, a bill to extend the deadline for commencement of construction of a hydroelectric project in Kentucky. This 80-megawatt project would be located at an existing Army Corps of Engineers dam on the Ohio River in Hancock County, KY. The construction deadline expired on June 20, 1995, and if we do not act the Commission will terminate the license. According to the project sponsor, the lack of

a power sales contract has prevented construction. FERC has not expressed opposition to H.R. 2501, since it includes limitations on the extension. The legislation was introduced by our colleague, Representative RON LEWIS of Kentucky.

I urge my colleagues to support H.R. 2501.

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

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

Mr. Speaker, the gentleman from Colorado went into the details of why these bills have been brought to the floor today and why it is important that we move on them. In each case they are supported on a bipartisan basis, and I certainly support them because of the limitations set in the Federal Power Act. We basically have a tradition in this House on a bipartisan basis of moving these noncontroversial license extensions, and I am pleased that we are continuing that tradition today by taking up these bills. They were reported out without dissent, and I do support each of them.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. SCHAEFER] that the House suspend the rules and pass the bill, H.R. 2501, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXTENSION OF FEDERAL POWER ACT DEADLINE FOR A PROJECT IN ILLINOIS

Mr. SCHAEFER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2630) to extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois, as amended.

The Clerk read as follows:

H.R. 2630

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF COMMENCEMENT OF CONSTRUCTION DEADLINE FOR HYDROELECTRIC PROJECT IN THE STATE OF ILLINOIS.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project unnumbered 3246, the Commission shall, at the request of the licensee for the project, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend until October 15, 1997, the time period during which the licensee is required to commence construction of the project.

(b) APPLICABILITY.—Subsection (a) shall take effect on the expiration of the extension, issued by the Commission under section 13 of the Federal Power Act (16 U.S.C. 806), of the period required for commencement of construction of the project described in subsection (a).

(c) REINSTATEMENT OF LICENSE.—The Commission is authorized to reinstate the license for the project referred to in section (a), effective as of the date of its expiration or termination.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. SCHAEFER] and the gentleman from New Jersey [Mr. PALLONE] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. SCHAEFER].

GENERAL LEAVE

Mr. SCHAEFER. 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. 2630, as amended.

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

There was no objection.

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

(Mr. SCHAEFER asked and was given permission to revise and extend his remarks.)

Mr. SCHAEFER. Mr. Speaker, H.R. 2630 as amended directs the Federal Energy Regulatory Commission to extend the deadline for construction of a hydroelectric project in Illinois. This 78-megawatt project would be located at an existing Corps of Engineers dam on the Mississippi River, in St. Charles County, MO, and Madison County, IL. There was a previous legislative extension of the construction period for this project in the 1991 highway bill. There is good reason to act on H.R. 2630 in a timely manner, since the construction deadline expired on October 15, 1995, and FERC has issued a notice of probable termination. This bill was introduced by our colleague, Representative JERRY COSTELLO of Illinois.

I urge my colleagues to support H.R. 2630.

□ 1315

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

Mr. Speaker, I would indicate support on our side of the aisle for the bill. The gentleman from Illinois [Mr. COSTELLO] was here before and asked, of course, that it be moved.

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 2630, legislation to extend the deadline for beginning construction on a hydroelectric project in southwestern Illinois. The Federal Power Act requires construction of a hydroelectric project to begin within 2 years after the Federal Energy Regulatory Commission [FERC] issues a license. FERC can grant one additional extension, which it has already done. This bill will extend the time period in which construction must begin by 2 years.

This project is important to meet the energy and economic needs of southwestern Illinois. This region of my district has seen tremendous job loss and a shrinking tax base due to reduced job opportunities in manufacturing. Royalties from power sales will provide revenue to the local city for capital improvements and other projects which will positively impact area employment.

The project has been planned in a way that addresses potential environmental concerns. The current proposal utilizes a turbine design, which will reduce the plant's impact on fish and other aquatic life. In fact, the fishways to be constructed upstream and downstream from the plant will actually improve fishing access for anglers.

I urge my colleagues to support this extension of time allowed to construct a hydroelectric power facility in southwestern Illinois.

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

Mr. SCHAEFER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CAMP). The question is on the motion offered by the gentleman from Colorado [Mr. SCHAEFER] that the House suspend the rules and pass the bill, H.R. 2630, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXTENSION OF FEDERAL POWER ACT DEADLINE FOR PROJECTS IN PENNSYLVANIA

Mr. SCHAEFER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2695) to extend the deadline under the Federal Power Act applicable to the construction of certain hydroelectric projects in the State of Pennsylvania, as amended.

The Clerk read as follows:

H.R. 2695

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DEADLINE.

(a) EXTENSION.—Notwithstanding the time limitations of section 13 of the Federal Power Act (16 U.S.C. 806), upon the request of the licensee for the project concerned, and after reasonable notice, the Federal Energy Regulatory Commission shall, in accordance with the good faith, due diligence, and public interest requirements of such section 13 and the Commission's procedures under such section, extend the time required for commencement of construction of each of the following projects until September 26, 1999:

(1) FERC Project No. 4474.

(2) FERC Project No. 7041.

(b) EFFECTIVE DATE.—This section shall take effect for the project upon the expiration of the extension (issued by the Commission under section 13 of the Federal Power Act (16 U.S.C. 806)) of the period required for commencement of construction of the project concerned.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. SCHAEFER] and the gentleman from New Jersey [Mr. PALLONE] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. SCHAEFER].

GENERAL LEAVE

Mr. SCHAEFER. 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. 2695, as amended.

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

There was no objection.

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

Mr. Speaker, H.R. 2695, as amended, directs the Federal Energy Regulatory Commission to extend the deadline for commencement of construction of two hydro projects in Pennsylvania. These projects would be constructed at existing Army Corps of Engineer dams on the Allegheny and Ohio Rivers, and would have capacities of 12 and 20 megawatts. There is a need to act on this legislation, since the construction deadline for both projects expired on April 15, 1995. According to the project sponsors, construction has not commenced for lack of a power purchase agreement. H.R. 2695 was introduced by our colleague, Representative RON KLINK of Pennsylvania.

I urge my colleagues to support H.R. 2695.

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

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

Mr. Speaker, I just wanted to thank the gentleman for moving H.R. 2695, which deals with the two hydroelectric projects in the State of Pennsylvania. This bill is sponsored by the gentleman from Pennsylvania [Mr. KLINK] who is a member of our committee. It passed unanimously, and I would urge its adoption.

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

Mr. SCHAEFER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. SCHAEFER] that the House suspend the rules and pass the bill, H.R. 2695, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXTENSION OF FEDERAL POWER ACT DEADLINE FOR PROJECTS IN NORTH CAROLINA

Mr. SCHAEFER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2773) to extend the deadline under the Federal Power Act applicable to the construction of 2 hydroelectric projects in North Carolina, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DEADLINE.

(a) PROJECT NUMBERED 10812.—

(1) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 10812, the Commission shall, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project, under the extension described in paragraph (2), for not more than 3 consecutive 2-year periods.

(2) EFFECTIVE DATE.—This subsection shall take effect on the date of the expiration of the extension of the period required for commencement of construction of the project described in paragraph (1) that the Commission issued, prior to the date of enactment of this Act, under section 13 of the Federal Power Act (16 U.S.C. 806).

(b) PROJECT NUMBERED 6879.—

(1) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 6879, the Commission may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project for not more than 3 consecutive 2-year periods.

(2) EFFECTIVE DATE.—This subsection shall take effect on the date of the expiration of the period required for commencement of construction of the project under the license for the project.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. SCHAEFER] and the gentleman from New Jersey [Mr. PALLONE] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. SCHAEFER].

GENERAL LEAVE

Mr. SCHAEFER. 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. 2773, as amended.

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

There was no objection.

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

Mr. Speaker, H.R. 2773, as amended, directs the Federal Energy Regulatory Commission to extend the deadline for construction of two projects in North Carolina. The first project is a 4.8-megawatt project to be located at an existing Army Corps of Engineers dam on the Yadkin River in Wilkes County, NC. The second project is an 815-kilowatt project to be located at an existing private dam on the Second Broad River in Rutherford County, NC. There is a need to act on this legislation, since the deadline for commencement of construction of the two projects expired on October 28, 1994, and March 20, 1995. Moreover, the Commission has issued a notice of probable termination for one of the projects. This legislation is not opposed by FERC, since it includes limitations on the extensions. The measure was introduced by our colleague, Representative SUE MYRICK of North Carolina.

I urge my colleagues to support H.R. 2773.

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

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

Mr. Speaker, we also support this bill on our side of the aisle, and urge its adoption.

Mrs. MYRICK. Mr. Speaker, I proposed H.R. 2773 as a regulatory relief bill for two of America's many entrepreneurs.

H.R. 2773 extends the construction license for two hydroelectric plants in North Carolina. Extending these deadlines allows these two individuals to participate in the fastest growing sector of our economy, small business. For example, Mr. Daniel Evans of Kings Mountain, N.C., a constituent of mine, has successfully worked to raise the capital on his own—no government handouts—and line up the purchasing of the land for this noteworthy project.

This example of self-initiative shows that the entrepreneurial spirit is alive and well in America. I thank my colleagues in the House for voting for H.R. 2773 and showing their support for the small businessmen and businesswomen of this country.

I also want to thank House Commerce Committee Chairman THOMAS BLILEY, Commerce Energy and Power Subcommittee Chairman DAN SCHAEFER, and Representative RICHARD BURR of North Carolina for all of their assistance in bringing H.R. 2773 to the House floor. Their tireless efforts are greatly appreciated by myself and all of the citizens of North Carolina who will benefit by having this added source of hydroelectric energy for their use.

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

Mr. SCHAEFER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. SCHAEFER] that the House suspend the rules and pass the bill, H.R. 2773, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXTENSION OF FEDERAL POWER ACT DEADLINE FOR PROJECT IN OHIO

Mr. SCHAEFER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2816) to reinstate the license for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Ohio, and for other purposes.

H.R. 2816

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REINSTATEMENT OF LICENSE AND EXTENSION DEADLINE.

Notwithstanding the expiration of the license and notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 3218, the Commission shall, at the request of the licensee for the project, reinstate the license effective September 25, 1993, and extend the time period during which the licensee is required to commence the construction of the project so as to terminate on September 24, 1999.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. SCHAEFER] and the gentleman from New Jersey [Mr. PALLONE] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. SCHAEFER].

GENERAL LEAVE

Mr. SCHAEFER. 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. 2816.

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

There was no objection.

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

Mr. Speaker, H.R. 2816 directs the Federal Energy Regulatory Commission to reinstate the license and extend the deadline for construction of a hydroelectric project in Ohio. This 49-megawatt project is located at an existing Army Corps of Engineers dam on the Ohio River, at Tiltonsville, OH. The deadline for commencement of construction expired on April 15, 1993, and the Federal Energy Regulatory Commission accepted surrender of the license. H.R. 2816 would reinstate the license and extend the construction deadline until September 24, 1999. FERC does not oppose the bill since it limits the extension. This legislation was introduced by our colleague, Representative BOB NEY of Ohio.

I urge my colleagues to support H.R. 2186.

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

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

Mr. Speaker, we also support the bill.

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

Mr. SCHAEFER. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. NEY].

Mr. NEY. Mr. Speaker, I want to thank my colleague, the gentleman from Colorado, for yielding time to me.

Mr. Speaker, I wanted to point out the importance of H.R. 2816. Of course, as has been stated, it is a bill to extend the deadline for construction of a hydroelectric project in Ohio. It is in Belmont County. It is located at the Pike Island Locks and Dam in our county in Ohio. It will have a very positive impact on the local economy, Mr. Speaker, in this area. The anticipated cost is estimated between $106 million and $130 million, with a cost of approximately $85 million for civic, electrical, and mechanical construction. The Pike Island project would provide between 84 and 139 construction jobs over a 3-year period with a payroll between $10.8 million and $18.6 million.

This project, Mr. Speaker, was brought to our attention by Yorkville, OH in the district of the gentleman from Ohio [Mr. REGULA]. I want to thank him for being a cosponsor.

I also want to point out that this is also an environmentally friendly project. The development of the Pike Island project can satisfy part of the supply-side electrical generating capacity that the region will need to meet its growth. The project will also generate approximately 49.5 megawatts and provide important reductions in the emissions of sulfur dioxide and other airborne pollutants. More importantly for our area, I want to point out that clean air credits will also be generated, which is important in helping to ensure we can burn our region's high-sulfur coal and we can continue to burn the coal that is important for our jobs.

The Pike Island project will also create and preserve local employment, enhance recreational and sporting opportunities for local residents, and will pay considerable taxes and fees. That is for the entire region of Belmont County in Ohio.

Mr. Speaker, also I want to say in closing, I want to thank the county commissioners in Belmont County, Commissioners Beaning, Coyne, and Pollak, and also Don Myers, our director of development, who worked with us on this project. It is a good bill, and I urge support.

Mr. SCHAEFER. Mr. Speaker, I thank my good friend, the gentleman from Ohio [Mr. NEY], for his remarks, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. SCHAEFER] that the House suspend the rules and pass the bill, H.R. 2816.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXTENSION OF FEDERAL POWER ACT DEADLINE FOR PROJECT IN KENTUCKY

Mr. SCHAEFER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2869) to extend the deadline for commencement of construction of a hydroelectric project in the State of Kentucky, as amended.

The Clerk read as follows:

H.R. 2869

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF COMMENCEMENT OF CONSTRUCTION DEADLINE FOR HYDROELECTRIC PROJECT IN KENTUCKY.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 6641, the Commission shall at the request of the licensee for the project, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend until June 15, 1998, the time period during which the licensee is required to commence construction of the project.

(b) APPLICABILITY.—Subsection (a) shall take effect on the expiration of the extension, issued by the Commission under section 13 of the Federal Power Act (16 U.S.C. 806), of the period required for commencement of construction of the project described in subsection (a).

(c) REINSTATEMENT OF LICENSE.—The Commission is authorized to reinstate the license for the project referred to in subsection (a), effective as of the date of its expiration or termination.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. SCHAEFER] and the gentleman from New Jersey [Mr. PALLONE] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. SCHAEFER].

GENERAL LEAVE

Mr. SCHAEFER. 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. 2869.

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

There was no objection.

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

Mr. Speaker, H.R. 2869 directs the Federal Energy Regulatory Commission to extend the license for an 80-megawatt hydroelectric project in Kentucky by 2 years. This project is located at an existing Army Corps of Engineers dam on the Ohio River in Livingston County, KY. There was a previous legislative extension of the construction period for this project in the Energy Policy Act of 1992, which extended the period until June 29, 1996. FERC does not oppose H.R. 2869, because it does not extend the construction period beyond 10 years. The bill was introduced by a member of the Subcommittee on Energy and Power, Representative ED WHITFIELD of Kentucky.

I urge my colleagues to support H.R. 2869.

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

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

Mr. Speaker, again, this is a noncontroversial bill, and I would urge its adoption.

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

Mr. SCHAEFER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. SCHAEFER] that the House suspend the rules and pass the bill, H.R. 2869, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DEPLORING INDIVIDUALS WHO DENY HISTORICAL REALITY OF HOLOCAUST AND COMMENDING WORK OF U.S. HOLOCAUST MEMORIAL MUSEUM

Mr. ENSIGN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 316) deploring individuals who deny the historical reality of the Holocaust and commending the vital, ongoing work of the U.S. Holocaust Memorial Museum.

The Clerk read as follows:

H. RES. 316

Whereas the Holocaust is a basic fact of history, the denial of which is no less absurd than the denial of the occurrence of the Second World War;

Whereas the Holocaust—the systematic, state-sponsored mass murders by Nazi Germany of 6,000,000 Jews, alongside millions of others, in the name of a perverse racial theory—stands as one of the most ferociously heinous state acts the world has ever known; and

Whereas those who promote the denial of the Holocaust do so out of profound ignorance or for the purpose of furthering anti-Semitism and racism: Now, therefore, be it

Resolved, That the House of Representatives—

(1) deplores the persistent, ongoing and malicious efforts by some persons in this country and abroad to deny the historical reality of the Holocaust; and

(2) commends the vital, ongoing work of the United States Holocaust Memorial Museum, which memorializes the victims of the Holocaust and teaches all who are willing to learn profoundly compelling and universally resonant moral lessons.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada [Mr. ENSIGN] and the gentleman from California [Mr. LANTOS]. each will be recognized for 20 minutes.

The Chair recognizes the gentleman from Nevada [Mr. ENSIGN].

(Mr. ENSIGN asked and was given permission to revise and extend his remarks.)

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

Mr. Speaker, I rise in strong support of House Resolution 316, deploring individuals who deny the historical reality of the Holocaust and commending the ongoing work of the U.S. Holocaust Museum.

I am honored to lead the fight for this important legislation. We must never forget nor allow the fog of passing years to diminish the memories of those who died in the concentration camps. It is the blessed burden of each generation that follows, be they Jew or Gentile, to honor them by remembering and acknowledging their sacrifice.

It has been nearly 60 years since the beginning of the Holocaust, when Nazis killed over 6 million Jews and millions of Poles, gypsies, Jehovah's Witnesses, and others. The Nazi Holocaust demonstrated an aspect of human nature which many people find hard to believe.

Much has happened since the closure of Auschwitz, and today we find the lands where this terrible act occurred, as well as lands which were once behind the Iron Curtain are now free.

We are fortunate that we live in this free and democratic society here in America; a place where people can espouse whatever their views may be, even if they are factually incorrect or hurtful to others. However, freedom of expression cannot be allowed to drown out the truth. Flasehoods must be answered.

It is my hope that this vote will send a strong signal to the families of those who died that the United States stands with you in remembrance. We will not allow others with their doubts and questions to lessen the tragedy of what happened.

Therefore, I commend this legislation to my colleagues, and encourage the good work of the Holocaust Museum which is helping to educate over 2 million people per year so that the atrocities which occurred nearly 60 years ago may never be repeated again.

□ 1330

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

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

Mr. Speaker, as we consider this resolution, a few feet from this Chamber in the presence of members of the Supreme Court, our colleagues and a vast number of individuals who are either survivors of the Holocaust or children of survivors, we are commemorating the day that has been set aside for remembering this most heinous of all crimes.

It is a sad commentary on the absurdity of our times that an event as profoundly documented as the Holocaust would need to be reemphasized as a reality. One and a half million innocent children were among the 6 million men, women, and little ones who were consumed in the flames of hatred that represented the Holocaust. Learned and simple, rich and poor, young and old, religious and nonbeliever, they were all consumed by the flames of the Holocaust. As the only Member of Congress who is a survivor of the Holocaust, I am calling on all of my colleagues every year to remember this event, not only for its historic significance but so that similar events, comparable events, events of mass destruction of human beings, such as the ones we have seen lately in both Africa and the former Yugoslavia, should not take place.

As we remember the Holocaust, we also must pay tribute to the greatest pedagogic institution on the face of this planet, the Holocaust Memorial Museum. This museum, in our Nation's Capital, is the most effective instrument of teaching generations yet unborn that we are in fact our brother's and sister's keeper and fanatic hatreds, bigotries, and discrimination have no place in a civilized society.

I suspect this particular year, which is the 50th year of terminating the Nuremberg trials which brought to justice the leaders of this monstrosity, the people who demanded this mass murder, it is appropriate for all of us to pause and to rededicate ourselves to recognizing the beauty of our different approaches to religion and life. That our variety is not a problem but a thing to be celebrated and honored.

I call on all of my colleagues to remember the Holocaust and to pay tribute to the Holocaust Memorial Museum as a primary instrument of teaching about our common humanity.

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

Mr. ENSIGN. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. GILMAN].

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in strong support of legislation the House is considering today. House Resolution 316, which I introduced on behalf of myself and my colleagues on the Holocaust Memorial Council, deplores the persistent, ongoing, and malicious efforts by some persons in this country and abroad to deny the historical reality of the Holocaust. This legislation also commends the vital, ongoing work of the U.S. Holocaust Memorial Museum in speaking the truth against those who would deny that the Holocaust ever took place or who attempt to negate that the Holocaust specifically targeted Jews for extinction.

I wish to especially thank the chairman of the Resources Committee, Mr. YOUNG, and the chairman of the Subcommittee on National Parks, Mr. HANSEN, for their great support in expediting consideration of House Resolution 316. It is exceedingly timely that today's consideration takes place, since today is also Holocaust Memorial Day, and many of us have attended the remembrance day ceremony that the Museum sponsored at noon in our Capitol rotunda.

One of the major reasons for the Museum's very existence is to counter Holocaust deniers. Those who foster the denial of the Holocaust do so either out of profound ignorance or for the purpose of furthering anti-Semitism, bigotry, and racism. The Holocaust Memorial Museum, through its permanent exhibitions, traveling programs, and educational outreach efforts, both memorialize the victims of the Holocaust, and counters those accusers through

its honest and sensitive approach to one of the most ferociously heinous state acts the world has ever known.

Accordingly, Mr. Speaker, I urge all my colleagues to express their support for the work of the Holocaust Memorial Museum by adopting House Resolution 316 and by participating in the Days of Remembrance ceremonies throughout our Nation.

Mr. LANTOS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. SCHUMER], who in his own work here in the Congress has done so much to preserve a society under laws.

Mr. SCHUMER. Mr. Speaker, I want to congratulate both the gentleman from New York [Mr. GILMAN] and the gentleman from California [Mr. LANTOS] for this timely resolution.

I need not add any more words in praise of the Holocaust Museum and the Holocaust Memorial. It is a tribute to America that when you go there, you see people from every corner of America visiting and learning and remembering.

I look at the museum as a great tribute to those who conceived it and put it together but also as a great tribute to this country. I do not think such a museum would have been built in any other country.

But I would like to talk for the remainder of my time on the part of the bill dealing with revisionism.

I represent a large number of Holocaust survivors. When they hear and read these ads denying that the Holocaust existed, when just about every one of them lost members of their immediate family, their parents, their brothers and sisters, their children, and yet they suffer the indignity of people for their own vicious, vitriolic, and usually anti-Semitic purposes to deny that the Holocaust existed, it is an indignity that the people who have gone through such great indignities should not have to suffer. That is why this resolution is so appropriate. It is appropriate because this Congress, with all the divisions we have, can come and unite and say, ''You can't change history,'' and we realize the pain people went through, and we also remember, being the great country that we are, that unless we learn from history, we are going to repeat it.

I would say to my colleagues, the fact that a few people with vicious intent can get such attention and do so much to try and deny the Holocaust is a sad commentary on our times as the gentleman from California mentioned. It deals with an issue which I would call moral relativism. These days no matter how absurd, no matter how outrageous something someone says is, the general view is, ''Well, let's debate it.'' There are some absolutes. There is truth. There is history. And the idea that no matter what anyone says, we should put it on the table as equal to the refutation of what has been said is something that we have to deal with. Obviously there are differing views on so many issues. But there is not a differing view on this one. The Holocaust existed. We know it. I have talked myself to thousands who survived it. They did not all get in a room and make this up. They suffered. Every family.

I was just looking at a picture at my home that I pointed out to my daughters was a picture of a family of six, my grandmother who lived in this country to over 90, her parents, her brother who I knew, and her two sisters. Her parents and her two sisters were killed in the Holocaust, and I pointed this out to my 11-year-old and 7-year-old, and someone who has no knowledge of this comes in and says, ''No, it didn't exist.'' That is awful. That is degrading. And this body by taking a stand and saying that it did exist is doing not just the survivors a service and not just the people who have relatives who died a service, it is doing the world a service. I thank the gentlemen, both of them, for introducing this resolution.

Mr. ENSIGN. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. FOX], a fellow visitor to Yad Vashem, which is the Holocaust Museum in Israel.

(Mr. FOX of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. FOX of Pennsylvania. Mr. Speaker, I thank the gentleman from Nevada [Mr. ENSIGN] for yielding me the time. I would like to thank the gentleman from New York [Mr. GILMAN] and the gentleman from California [Mr. LANTOS] for their leadership in introducing this legislation. One of the most solemn obligations we bear as legislators in our great democracy is to study the past and learn from it and to educate our fellow citizens.

As the American theologian Reinhold Niebuhr wrote, ''Human capacity for justice makes democracy possible, but our inclination to injustice makes democracy necessary.'' The revolting evidence of man's capacity for injustice lies close by in the U.S. Holocaust Memorial Museum and also in the memory of some of our distinguished colleagues. The inhumane events of the Holocaust were far beyond description. The collapse of a democracy and the rise of an evil regime must never be forgotten or denied for fear that they will be repeated. The horrors which followed were incomprehensible.

Because of my religious upbringing and roots, the Holocaust Remembrance Day, Yom HaShoah, has a personal significance for me. But far more importantly this day and its memories hold valuable lessons for all of us as Members of the U.S. Congress. We must never forget the bitter consequences of tyranny. These preserved memories are important but they must be strengthened by education and a willingness to act. This willingness of each of us to not be a bystander is the key to protecting our democracy. In the report to the President, the Holocaust Commission members, led by Elie Wiesel, summed up the reasons for and role of an American memorial and museum to the Holocaust:

> In reflecting on the Holocaust we confront not only a collapse in human civilization but also the causes, processes and consequences of that collapse. As we analyze the American record, we can study our triumphs, as well as our failures, so as to defeat radical evil and strengthen our democracy.

☐ 1345

My colleagues, let us be ever vigilant in working for the people, pursuing the will of the majority, while ensuring the rights of the minority. Let us, as Elie Wiesel asks, never be silent when human lives are in danger and human dignity is in jeopardy. Let us follow his charge to stand together, to ''defeat radical evil and strengthen our democracy'' and ensure that there are no more holocausts in the future.

Those that would deny the Holocaust not only dishonor the memory of the martyrs who lost their lives in this tragedy, but also rejects the ideas and values on which our great country is based.

Thank you all for standing as one against those who would deny the Holocaust and for standing up for all America represents to the people who call our great Nation home and to those across the globe that look to us as a beacon of freedom and hope.

I would also like to thank my freshmen colleagues who joined the gentleman from Rhode Island [Mr. KENNEDY] and myself at the Holocaust Museum this past summer. One of our most weighty responsibilities is to bear witness, to tell and retell the facts of the Holocaust so that its lessons will never be forgotten. It is my sincere hope that all future freshman classes will visit the Holocaust Museum and reflect on its lessons as they apply to our work.

Mr. LANTOS. Mr. Speaker, I am particularly pleased to yield such time as he may consume to the gentleman from Rhode Island [Mr. KENNEDY], my dear friend and colleague whose family has done so much to carry forward the principles of freedom and justice and decency among human beings in this country and across the globe.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I want to commend the chairman for writing this resolution, along with the gentleman from California [Mr. LANTOS], and the only Holocaust survivor in this Congress, for yielding me this time.

Mr. Speaker, as Congressman LANTOS said, who would have thought it necessary to affirm that the Holocaust has happened? Who would have thought it was necessary to affirm what was the worst crime against humanity the world has ever seen? Tragically, it is necessary. As we all know, the historical record of the Holocaust faces challenges on many fronts. These must be fought in every instance. Revisionism and denial threaten more than just the understanding of an unfathomable event. They threaten the future as

well, for the energy which animates the Holocaust denier and the revisionist is the same hatred which propelled the Holocaust into being in the first place.

Today, one of the most offensive challenges to the historical record of the Holocaust is set to take place in Croatia, where President Franjo Tudjman has announced plans to rebury the remains of the Croatian fascists, the Yastashi regime, that was in complicity with Hitler and the Nazis. He has announced a plan to rebury these SS officers, if you will, alongside the remains of the victims of the Holocaust in the death camp Yasenovech, which is also in Croatia.

This proposal is a moral affront to those who suffered the Holocaust, and it sends a dangerous message. No, it sends a lie to future generations about what happened at the death camp Yasenovech. It muddles the history.

Here, on what should be sacred ground, perpetrators of the Holocaust and victims of the Holocaust would now be lying side-by-side for an eternity. For those who endured a living hell, this is the ultimate injustice.

President Tudjman and other Holocaust revisionists should not derive false comfort from a deliberate distortion of their past. His proposal, in the words of Dr. Walter Reich, head of the Holocaust Memorial Museum here in Washington, DC, is ''nothing more than an attempt to rewrite history with a shovel.'' This should not be allowed to happen. I know this House will speak out strongly on this issue, as will the Senate when it comes to the floor.

I want to commend my colleagues, when it comes to this resolution, for including this proposal in today's Yom HASHOAH recognition. As well, I want to commend the Holocaust Museum for the support they have offered in this fight and for the invaluable education they provide to thousands who visit the Holocaust Memorial Museum in Washington, DC every day. The mission of this museum has never been more important, and it is something that everyone should visit if they have not visited already.

Mr. ENSIGN. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. ZIMMER].

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

Mr. Speaker, it is a great honor to join my colleagues on this day of Yom HaShoah to offer a resolution reaffirming the truth of the Holocaust and commending the work and mission of the U.S. Holocaust Memorial Museum.

I hope my colleagues also will join me in supporting legislation I am introducing today directing the U.S. Holocaust Memorial Council to draft model curricula that schools can use to ensure that the truth and accuracy of the Holocaust is taught to, and remembered by, the generations to come.

A half century ago, more than 8 million people were deliberately, brutally, and systematically murdered in a state-sponsored effort to annihilate their ethnic and religious existence. Of those, fully 6 million were Jewish. Many others from across Europe died risking their lives for simply being compassionate and trying to intervene.

All of their deaths are fact, not fiction. And those who deny that reality not only further the pain and delay the healing but perpetuate a crime on history and humanity.

Their motives for doing this are varied. But we should be as one in our response.

We should condemn those who deny the Holocaust for trying to rob us of the understanding of the evil that humanity is capable of.

That knowledge itself is the most powerful protection we have against such horror occurring again. It is a lesson about what can happen when the soul becomes desensitized and corrupted.

Holocaust survivor and Nobel Laureate Elie Wiesel, the Holocaust Council's first honorary chairman, reminded people last night—and I quote—''Don't allow anyone or anything to deprive you of the great, great miracle which renders a human being sensitive to others.''

I commend the U.S. Holocaust Memorial Museum and the council for making sure that we never forget.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York [Mr. ENGEL], my friend and distinguished colleague, an indefatigable fighter for human rights and decency.

Mr. ENGEL. Mr. Speaker, I thank my friend from California for yielding me time. Let me say we are all inspired by his story and his efforts.

Mr. Speaker, just a brief while ago many of us attended a Yom HaShoah remembrance, Days of Remembrance, 1996, U.S. Holocaust Memorial Museum, and they passed out this program. On the program it says, ''For the dead and the living, we must bear witness.''

Certainly nothing is more obscene than those Holocaust revisionists who try to claim that it did not happen or that it did not happen to the magnitude that we know it happened. They include, unfortunately, leaders of countries. Even a candidate for President of this country has from time to time made such ridiculous allegations.

When you go to the Holocaust Memorial Museum on the fourth floor and you first walk in, there is a quote from President Eisenhower, then General Eisenhower, who said he wanted to witness what went on after the camps were liberated. he wanted to be there himself so that if, generations later on, if there would be those people who would deny that such horrendous things ever happened, he would be able to bear witness that he say it with his own two eyes.

Mr. Speaker, the unspeakable atrocities that went on in trying to annihilate the Jews of Europe is something that must never be forgotten, and it is certainly something that must never be repeated. Those of us who have witnessed the events, tragic events, over the past several years in Bosnia, while not of the magnitude of the Holocaust, certainly touched a responsive chord in us to know that we cannot ever again sit idly by and watch ethnic cleansing or Holocaust to rear its ugly head again.

One would think the world would learn, the world would know, the world would not want to repeat what went on. Yet we see again and again genocide rearing its ugly head.

So I think it is very, very fitting, Mr. Speaker, that this body pause to honor the people who perished in the Holocaust, the memory of the people who perished in the Holocaust, and to redouble our efforts to make sure that in the future, holocausts never happen again.

On this day of Yom HaShoah, we bear witness to what happened, and we honor those people who perished in the Holocaust.

Mr. ENSIGN. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. PAXON].

Mr. PAXON. Mr. Speaker, never again. That is the cry of those who must keep the memory of the Holocaust and its victims alive forever. We must keep this memory in mind so that there will never again in history be a repeat of this worst of human tragedies.

Today, April 16, is the Day of Remembrance, a day on which we should reflect as a nation on the monumental tragedy of the Holocaust directed at the Jewish population of Europe by Adolf Hitler and the Nazi regime.

Unfortunately, there are too many individuals, both in our Nation and in the world, who would twist and distort the historical facts, in their sickening attempts to claim that the Holocaust never existed, or to minimize its scope.

By voting in support of this resolution, I hope that Congress will send a message, a clear message, against these purveyors of anti-Semitism and hatred, who seek to erase this tragedy from human memory.

The U.S. Holocaust Memorial Museum in this Nation's Capital serves to educate and inform Americans about the reality of the Holocaust through its many displays, its films, and interviews. But in my opinion, Mr. Speaker, the most moving part of the museum is the testimony of Holocaust survivors and eyewitnesses. These touching accounts are a bridge between the past and the present. They serve as a stark reminder of the depths of inhumanity to which the human race can sink, and they keep the memory of the Holocaust victims and survivors alive in our minds, so we can make certain that tragedies of this proportion never again can occur on the face of the Earth.

In conclusion, I urge my colleagues to vote in support of House Resolution

316, and I end my statement as I began, be repeating the words that should be always remembered, and those words are, ''never again.''

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

Mr. Speaker, it is important in discussing this issue that we understand that the Holocaust did not begin with gas chambers. The Holocaust began with words of hate, with words of bigotry, with words of intolerance. And every time in our own time when we are confronted with words of bigotry and hate and intolerance, it is important that we nip those manifestations of inhumanity in the bud, because, if allowed to flourish, they will lead to unspeakable acts of horror, such as the ones we have witnessed in the Holocaust.

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

Mr. ENSIGN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

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Mr. TORKILDSEN. Mr. Speaker, I rise in strong support of House Resolution 316, a resolution deploring individuals who deny the historical reality of the Holocaust and also commending the work of the U.S. Holocaust Memorial Museum. Each year we observe Yom HaShoah to say for the dead and the living, we must bear witness. For the dead and the living, we must bear witness that, in the darkest chapter in human history, 6 million lives were stolen from us forever, as was part of the human spirit.

This year's remembrance sadly is crystallized by recent tragedies and actions of terrorism in Israel, reminding all of us that hatred still lives and breathes in the midst of all attempts to forge peace.

The senseless assassination of Prime Minister Rabin and the terrorist bombings that claimed innocent lives only 6 weeks ago must serve as a source of strength and solidarity for all of us, and renew our commitment to just and lasting peace. The cowardly perpetrators of these acts must not succeed in their aim to divide us and in their attempts to assassinate peace as well as people.

Tragically, there are other present day reminders of the Holocaust. Ethnic cleansing and the slaughter in Rwanda continue to serve as proof that we must never forget.

The beauty of Yom HaShoah is that it is universal. The lessons of the Holocaust are for all of us in the human family to learn, to understand, and to instill in others, for us to earnestly say ''never again.'' We must every day continue to remember. For the dead and the living, we must bear witness.

Shalom.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

Mr. Speaker, what we are talking about today, if you go back in history, people did not believe that stories coming out of the death camps, stories that were just almost too unspeakable to even think of and, therefore, people in Europe chose to ignore them.

Mr. Speaker, let us today, as we remember the Holocaust and we celebrate the Holocaust Museum and the work that it is doing, let us never forget those stories that came out of those death camps. Let us never forget the faces of the men and women and children that were tortured and brutally murdered, many in those death camps. Let us not let people rewrite history, because if we allow them to rewrite history, history will indeed repeat itself.

Mr. LATOURETTE. Mr. Speaker, today on the House floor we are considering House Resolution 316—a measure deploring individuals who deny the historical significance of the Holocaust and commending the fine work of the U.S. Holocaust Memorial Museum.

I rise in strong support of this measure, as it is important that we never forget or attempt to diminish the historical significance of one of the most heinous chapters in history—the Holocaust. There are some who seek to revise history, to alter it in such a way as to deny the Holocaust. This is insulting to the memory of the 6 million Jews who died in the Holocaust, and this type of destructive, divisive thinking should not be given credence.

In the 104th Congress I have had the honor of serving on the council of the U.S. Holocaust Memorial Museum. I would like to take this opportunity to praise the fine work of the museum staff, from its director, Walter Reich, to its chairman, Miles Lerman, to Stan Turesky, Director of Congressional Relations.

The museum truly is an American and international treasure and goes far beyond the traditional purpose of a museum, which is to preserve and record history. This museum compels its visitors to consider the moral and spiritual consequences of the Holocaust. It accomplishes this by exposing the visitor to stark and unsettling examples of hatred, heartbreak, and heroism. The stories of perpetrators, victims, bystanders, rescuers and liberators confront the visitor and demand attention. By doing so, the museum forces us to learn important lessons about the Holocaust and our everyday lives.

On this Day of Remembrance of the Holocaust—Yom HaShoah—we as a nation should rededicate ourselves and our commitment to overcoming bigotry, hatred, and intolerance. We should condemn those who want to dismiss the Holocaust, and embrace the efforts of those who rightly believe that we as a nation can learn from the Holocaust experience and ensure that it will never again be repeated.

Mr. MANZULLO. Mr. Speaker, I am honored to have this opportunity to rise in support of House Resolution 316, a bill that deplores individuals in the United States and abroad who deny the historical reality of the Holocaust, and commends the crucial, ongoing work of the U.S. Holocaust Memorial Museum. This important piece of legislation coincides with the 1996 Days of Remembrance which will be held in the Capitol rotunda today.

In 1980, Congress established the U.S. Holocaust Museum to serve as a memorial to the 6 million victims of the Holocaust and as a center for the study, interpretation and presentation of Holocaust history. The museum uses the historical record in its exhibits and outreach programs to counter the outrageous charges by revisionist historians who attempt to deny the occurrence of the Holocaust. The Holocaust Museum leads the charge in fighting against ignorance, racism and anti-Semitism.

Every year, more than 2 million people travel to Washington to visit the Holocaust Museum. An overwhelming majority of these visitors travel more than 100 miles to do so. Tens of thousands of survivors, scholars, students, members of the media and Government officials utilize the museum as a center for scholarship and learning about the Holocaust and genocide.

The U.S. Holocaust Museum is truly a national treasure. I am deeply honored to have this opportunity to highlight its outstanding work.

Mr. MARTINI. Mr. Speaker, I rise today to honor Yom HaShoah and remember the 6 million Jewish people who were killed in the Holocaust. I also rise today to pledge my full support for House Resolution 316, a resolution deploring individuals in the United States and abroad who deny the historical reality of the Holocaust and commending the work of the Holocaust Museum.

Last summer, I was fortunate to have been afforded the opportunity to visit Israel as a member of a congressional delegation researching the tangible effects of the peace process. My visit taught me a tremendous amount. Fortunately, we were given the opportunity to visit many historical landmarks in Israel that are of particular importance to understanding the history of Judaism. This history could not be holistically understood without a visit to Yad Vasheem. This memorial museum to the victims of the Holocaust was both horrifying and beautiful in an enlightening way. Horrifying in its intensity and in its truth and beautiful in its message. The message of remembrance is immortalized. My visit to Yad Vasheem still haunts me.

The Holocaust Memorial Museum in Washington, DC, is an equally monumental achievement made possible by the spirit of hope and remembrance. Similarly, this museum painfully humanizes and chronicles the most cataclysmic event in Jewish history, as well as human history.

The Shoah—Holocaust—was a genocide acted out on the international stage in the face of apathy and often complicity. Six million Jewish people were killed. European Jewry ceased to exist on much of the Continent, and wounds have been left around the world that will never heal.

It is my hope that today the world will remember the suffering of so many innocent people. Further, it is my hope that the perpetrators of evil and the proponents of ethnic purity achieved through genocide will look to the lessons that history has taught us and realize that their goal will not be looked upon with complicity and their efforts will be futile. The history of the Holocaust is not a lie.

The message that we must impart on our children and ourselves is one of tolerance and remembrance. We must teach our children of the past and assure that such a heinous act never occurs on this Earth again. And in the end, let us remember death but focus our vision on life and the growth of Jewish culture.

Mr. ENSIGN. Mr. Speaker, I urge the adoption of this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CAMP). The question is on the motion offered by the gentleman from Nevada [Mr. ENSIGN] that the House suspend the rules and agree to the resolution, House Resolution 316.

The question was taken.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT AMENDMENTS

Mr. ENSIGN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 3034), to amend the Indian Self-Determination and Education Assistance Act to extend for 2 months the authority for promulgating regulations under the act.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the gentleman from Nevada?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3034

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORITY TO PROMULGATE REGULATIONS.

Section 107(a)(2)(B) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450k(a)(2)(B)) is amended by striking ''18 months'' and inserting ''20 months''.

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. ENSIGN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Resolution 316.

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

There was no objection.

AMENDING FOREIGN ASSISTANCE ACT OF 1961 AND ARMS EXPORT CONTROL ACT

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3121) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3121

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

TITLE I—DEFENSE AND SECURITY ASSISTANCE

CHAPTER 1—MILITARY AND RELATED ASSISTANCE

SEC. 101. TERMS OF LOANS UNDER THE FOREIGN MILITARY FINANCING PROGRAM.

Section 31(c) of the Arms Export Control Act (22 U.S.C. 2771(c)) is amended to read as follows:

''(c) Loans available under section 23 shall be provided at rates of interest that are not less than the current average market yield on outstanding marketable obligations of the United States of comparable maturities.''.

SEC. 102. ADDITIONAL REQUIREMENTS UNDER THE FOREIGN MILITARY FINANCING PROGRAM.

(a) AUDIT OF CERTAIN PRIVATE FIRMS.—Section 23 of the Arms Export Control Act (22 U.S.C. 2763) is amended by adding at the end the following new subsection:

''(f) For each fiscal year, the Secretary of Defense, as requested by the Director of the Defense Security Assistance Agency, shall conduct audits on a nonreimbursable basis of private firms that have entered into contracts with foreign governments under which defense articles, defense services, or design and construction services are to be procured by such firms for such governments from financing under this section.''.

(b) NOTIFICATION REQUIREMENT WITH RESPECT TO CASH FLOW FINANCING.—Section 23 of such Act (22 U.S.C. 2763), as amended by this Act, is further amended by adding at the end the following new subsection:

''(g)(1) For each country and international organization that has been approved for cash flow financing under this section, any letter of offer and acceptance or other purchase agreement, or any amendment thereto, for a procurement of defense articles, defense services, or design and construction services in excess of $100,000,000 that is to be financed in whole or in part with funds made available under this Act or the Foreign Assistance Act of 1961 shall be submitted to the congressional committees specified in section 634A(a) of the Foreign Assistance Act of 1961 in accordance with the procedures applicable to reprogramming notifications under that section.

''(2) For purposes of this subsection, the term 'cash flow financing' has the meaning given such term in the second subsection (d) of section 25.''.

(c) LIMITATIONS ON USE OF FUNDS FOR DIRECT COMMERCIAL CONTRACTS.—Section 23 of such Act (22 U.S.C. 2763), as amended by this Act, is further amended by adding at the end the following new subsection:

''(h) Of the amounts made available for a fiscal year to carry out this section, not more than $100,000,000 for such fiscal year may be made available for countries other than Israel and Egypt for the purpose of financing the procurement of defense articles, defense services, and design and construction services that are not sold by the United States Government under this Act.''.

(d) ANNUAL ESTIMATE AND JUSTIFICATION FOR SALES PROGRAM.—Section 25(a) of such Act (22 U.S.C. 2765(a)) is amended—

(1) by striking the ''and'' at the end of paragraph (11);

(2) by redesignating paragraph (12) as paragraph (13); and

(3) by inserting after paragraph (11) the following new paragraph:

''(12)(A) a detailed accounting of all articles, services, credits, guarantees, or any other form of assistance furnished by the United States to each country and international organization, including payments to the United Nations, during the preceding fiscal year for the detection and clearance of

landmines, including activities relating to the furnishing of education, training, and technical assistance for the detection and clearance of landmines; and

''(B) for each provision of law making funds available or authorizing appropriations for demining activities described in subparagraph (A), an analysis and description of the objectives and activities undertaken during the preceding fiscal year, including the number of personnel involved in performing such activities; and''.

SEC. 103. DRAWDOWN SPECIAL AUTHORITIES.

(a) UNFORESEEN EMERGENCY DRAWDOWN.—Section 506(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1)) is amended by striking ''$75,000,000'' and inserting ''$100,000,000''.

(b) ADDITIONAL DRAWDOWN.—Section 506 of such Act (22 U.S.C. 2318) is amended—

(1) in subsection (a)(2)(A), by striking ''defense articles from the stocks'' and all that follows and inserting the following: ''articles and services from the inventory and resources of any agency of the United States Government and military education and training from the Department of Defense, the President may direct the drawdown of such articles, services, and military education and training—

''(i) for the purposes and under the authorities of—

''(I) chapter 8 of part I (relating to international narcotics control assistance);

''(II) chapter 9 of part I (relating to international disaster assistance); or

''(III) the Migration and Refugee Assistance Act of 1962; or

''(ii) for the purpose of providing such articles, services, and military education and training to Vietnam, Cambodia, and Laos as the President determines are necessary—

''(I) to support cooperative efforts to locate and repatriate members of the United States Armed Forces and civilians employed directly or indirectly by the United States Government who remain unaccounted for from the Vietnam War; and

''(II) to ensure the safety of United States Government personnel engaged in such cooperative efforts and to support Department of Defense-sponsored humanitarian projects associated with such efforts.'';

(2) in subsection (a)(2)(B), by striking ''$75,000,000'' and all that follows and inserting ''$150,000,000 in any fiscal year of such articles, services, and military education and training may be provided pursuant to subparagraph (A) of this paragraph—

''(i) not more than $75,000,000 of which may be provided from the drawdown from the inventory and resources of the Department of Defense;

''(ii) not more than $75,000,000 of which may be provided pursuant to clause (i)(I) of such subparagraph; and

''(iii) not more than $15,000,000 of which may be provided to Vietnam, Cambodia, and Laos pursuant to clause (ii) of such subparagraph.''; and

(3) in subsection (b)(1), by adding at the end the following: ''In the case of drawdowns authorized by subclauses (I) and (III) of subsection (a)(2)(A)(i), notifications shall be provided to those committees at least 15 days in advance of the drawdowns in accordance with the procedures applicable to reprogramming notifications under section 634A.''.

(c) NOTICE TO CONGRESS OF EXERCISE OF SPECIAL AUTHORITIES.—Section 652 of such Act (22 U.S.C. 2411) is amended by striking ''prior to the date'' and inserting ''before''.

SEC. 104. TRANSFER OF EXCESS DEFENSE ARTICLES.

(a) IN GENERAL.—Section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) is amended to read as follows:

''SEC. 516. AUTHORITY TO TRANSFER EXCESS DEFENSE ARTICLES.

''(a) AUTHORIZATION.—The President is authorized to transfer excess defense articles under this section to countries for which receipt of such articles was justified pursuant to the annual congressional presentation documents for military assistance programs, or for programs under chapter 8 of part I of this Act, submitted under section 634 of this Act, or for which receipt of such articles was separately justified to the Congress, for the fiscal year in which the transfer is authorized.

''(b) LIMITATIONS ON TRANSFERS.—The President may transfer excess defense articles under this section only if—

''(1) such articles are drawn from existing stocks of the Department of Defense;

''(2) funds available to the Department of Defense for the procurement of defense equipment are not expended in connection with the transfer;

''(3) the transfer of such articles will not have an adverse impact on the military readiness of the United States;

''(4) with respect to a proposed transfer of such articles on a grant basis, such a transfer is preferable to a transfer on a sales basis, after taking into account the potential proceeds from, and likelihood of, such sales, and the comparative foreign policy benefits that may accrue to the United States as the result of a transfer on either a grant or sales basis;

''(5) the President determines that the transfer of such articles will not have an adverse impact on the national technology and industrial base and, particularly, will not reduce the opportunities of entities in the national technology and industrial base to sell new or used equipment to the countries to which such articles are transferred; and

''(6) the transfer of such articles is consistent with the policy framework for the Eastern Mediterranean established under section 620C of this Act.

''(c) TERMS OF TRANSFERS.—

''(1) NO COST TO RECIPIENT COUNTRY.—Excess defense articles may be transferred under this section without cost to the recipient country.

''(2) PRIORITY.—Notwithstanding any other provision of law, the delivery of excess defense articles under this section to member countries of the North Atlantic Treaty Organization (NATO) on the southern and southeastern flank of NATO and to major non-NATO allies on such southern and southeastern flank shall be given priority to the maximum extent feasible over the delivery of such excess defense articles to other countries.

''(d) WAIVER OF REQUIREMENT FOR REIMBURSEMENT OF DEPARTMENT OF DEFENSE EXPENSES.—Section 632(d) shall not apply with respect to transfers of excess defense articles (including transportation and related costs) under this section.

''(e) TRANSPORTATION AND RELATED COSTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), funds available to the Department of Defense may not be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of this section.

''(2) EXCEPTION.—The President may provide for the transportation of excess defense articles without charge to a country for the costs of such transportation if—

''(A) it is determined that it is in the national interest of the United States to do so;

''(B) the recipient is a developing country receiving less than $10,000,000 of assistance under chapter 5 of part II of this Act (relating to international military education and training) or section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the Foreign Military Financing program) in the fiscal year in which the transportation is provided;

''(C) the total weight of the transfer does not exceed 25,000 pounds; and

''(D) such transportation is accomplished on a space available basis.

''(f) ADVANCE NOTIFICATION TO CONGRESS FOR TRANSFER OF CERTAIN EXCESS DEFENSE ARTICLES.—

''(1) IN GENERAL.—The President may not transfer excess defense articles that are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or excess defense articles valued (in terms of original acquisition cost) at $7,000,000 or more, under this section or under the Arms Export Control Act (22 U.S.C. 2751 et seq.) until 15 days after the date on which the President has provided notice of the proposed transfer to the congressional committees specified in section 634A(a) in accordance with procedures applicable to reprogramming notifications under that section.

''(2) CONTENTS.—Such notification shall include—

''(A) a statement outlining the purposes for which the article is being provided to the country, including whether such article has been previously provided to such country;

''(B) an assessment of the impact of the transfer on the military readiness of the United States;

''(C) an assessment of the impact of the transfer on the national technology and industrial base and, particularly, the impact on opportunities of entities in the national technology and industrial base to sell new or used equipment to the countries to which such articles are to be transferred; and

''(D) a statement describing the current value of such article and the value of such article at acquisition.

''(g) AGGREGATE ANNUAL LIMITATION.—

''(1) IN GENERAL.—The aggregate value of excess defense articles transferred to countries under this section in any fiscal year may not exceed $350,000,000.

''(2) EFFECTIVE DATE.—The limitation contained in paragraph (1) shall apply only with respect to fiscal years beginning after fiscal year 1996.

''(h) CONGRESSIONAL PRESENTATION DOCUMENTS.—Documents described in subsection (a) justifying the transfer of excess defense articles shall include an explanation of the general purposes of providing excess defense articles as well as a table which provides an aggregate annual total of transfers of excess defense articles in the preceding year by country in terms of offers and actual deliveries and in terms of acquisition cost and current value. Such table shall indicate whether such excess defense articles were provided on a grant or sale basis.

''(i) EXCESS COAST GUARD PROPERTY.—For purposes of this section, the term 'excess defense articles' shall be deemed to include excess property of the Coast Guard, and the term 'Department of Defense' shall be deemed, with respect to such excess property, to include the Coast Guard.''.

(b) CONFORMING AMENDMENTS.—

(1) ARMS EXPORT CONTROL ACT.—Section 21(k) of the Arms Export Control Act (22 U.S.C. 2761(k)) is amended by striking ''the President shall'' and all that follows and inserting the following: ''the President shall determine that the sale of such articles will not have an adverse impact on the national technology and industrial base and, particularly, will not reduce the opportunities of entities in the national technology and industrial base to sell new or used equipment to the countries to which such articles are transferred.''.

(2) REPEALS.—The following provisions of law are hereby repealed:

(A) Section 502A of the Foreign Assistance Act of 1961 (22 U.S.C. 2303).

(B) Sections 517 through 520 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k through 2321n).

(C) Section 31(d) of the Arms Export Control Act (22 U.S.C. 2771(d)).

SEC. 105. EXCESS DEFENSE ARTICLES FOR CERTAIN EUROPEAN COUNTRIES.

Notwithstanding section 516(e) of the Foreign Assistance Act of 1961, during each of the fiscal years 1996 and 1997, funds available to the Department of Defense may be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of such Act to countries that are eligible to participate in the Partnership for Peace and that are eligible for assistance under the Support for East European Democracy (SEED) Act of 1989.

CHAPTER 2—INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 111. ASSISTANCE FOR INDONESIA.

Funds made available for fiscal years 1996 and 1997 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) may be obligated for Indonesia only for expanded military and education training that meets the requirements of clauses (i) through (iv) of the second sentence of section 541 of such Act (22 U.S.C. 2347).

SEC. 112. ADDITIONAL REQUIREMENTS.

(a) GENERAL AUTHORITY.—Section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347) is amended in the second sentence in the matter preceding clause (i) by inserting ''and individuals who are not members of the government'' after ''legislators''.

(b) EXCHANGE TRAINING.—Section 544 of such Act (22 U.S.C. 2347c) is amended—

(1) by striking ''In carrying out this chapter'' and inserting ''(a) In carrying out this chapter''; and

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

''(b) The President may provide for the attendance of foreign military and civilian defense personnel at flight training schools and programs (including test pilot schools) in the United States without charge, and without charge to funds available to carry out this chapter (notwithstanding section 632(d) of this Act), if such attendance is pursuant to an agreement providing for the exchange of students on a one-for-one basis each fiscal year between those United States flight training schools and programs (including test pilot schools) and comparable flight training schools and programs of foreign countries.''.

(c) ASSISTANCE FOR CERTAIN HIGH-INCOME FOREIGN COUNTRIES.—

(1) AMENDMENT TO THE FOREIGN ASSISTANCE ACT OF 1961.—Chapter 5 of part II of such Act (22 U.S.C. 2347 et seq.) is amended by adding at the end the following new section:

''SEC. 546. PROHIBITION ON GRANT ASSISTANCE FOR CERTAIN HIGH INCOME FOREIGN COUNTRIES.

''(a) IN GENERAL.—None of the funds made available for a fiscal year for assistance under this chapter may be made available for assistance on a grant basis for any of the high-income foreign countries described in subsection (b) for military education and training of military and related civilian personnel of such country.

''(b) HIGH-INCOME FOREIGN COUNTRIES DESCRIBED.—The high-income foreign countries described in this subsection are Austria, Finland, the Republic of Korea, Singapore, and Spain.''.

(2) AMENDMENT TO THE ARMS EXPORT CONTROL ACT.—Section 21(a)(1)(C) of the Arms Export Control Act (22 U.S.C. 2761) is amended by inserting ''or to any high-income foreign country (as described in that chapter)'' after ''Foreign Assistance Act of 1961''.

CHAPTER 3—ANTITERRORISM ASSISTANCE

SEC. 121. ANTITERRORISM TRAINING ASSISTANCE.

(a) IN GENERAL.—Section 571 of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa) is amended by striking ''Subject to the provisions of this chapter'' and inserting ''Notwithstanding any other provision of law that restricts assistance to foreign countries (other than sections 502B and 620A of this Act)''.

(b) LIMITATIONS.—Section 573 of such Act (22 U.S.C. 2349aa–2) is amended—

(1) in the heading, by striking ''SPECIFIC AUTHORITIES AND'';

(2) by striking subsection (a);

(3) by redesignating subsections (b) through (f) as subsections (a) through (e), respectively; and

(4) in subsection (c) (as redesignated)—

(A) by striking paragraphs (1) and (2);

(B) by redesignating paragraphs (3) through (5) as paragraphs (1) through (3), respectively; and

(C) by amending paragraph (2) (as redesignated) to read as follows:

''(2)(A) Except as provided in subparagraph (B), funds made available to carry out this chapter shall not be made available for the procurement of weapons and ammunition.

''(B) Subparagraph (A) shall not apply to small arms and ammunition in categories I and III of the United States Munitions List that are integrally and directly related to antiterrorism training provided under this chapter if, at least 15 days before obligating those funds, the President notifies the appropriate congressional committees specified in section 634A of this Act in accordance with the procedures applicable to reprogramming notifications under such section.

''(C) The value (in terms of original acquisition cost) of all equipment and commodities provided under this chapter in any fiscal year may not exceed 25 percent of the funds made available to carry out this chapter for that fiscal year.''.

(c) ANNUAL REPORT.—Section 574 of such Act (22 U.S.C. 2349aa–3) is hereby repealed.

(d) TECHNICAL CORRECTIONS.—Section 575 (22 U.S.C. 2349aa–4) and section 576 (22 U.S.C. 2349aa–5) of such Act are redesignated as sections 574 and 575, respectively.

SEC. 122. RESEARCH AND DEVELOPMENT EXPENSES.

Funds made available for fiscal years 1996 and 1997 to carry out chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.; relating to antiterrorism assistance) may be made available to the Technical Support Working Group of the Department of State for research and development expenses related to contraband detection technologies or for field demonstrations of such technologies (whether such field demonstrations take place in the United States or outside the United States).

CHAPTER 4—NARCOTICS CONTROL ASSISTANCE

SEC. 131. ADDITIONAL REQUIREMENTS.

(a) POLICY AND GENERAL AUTHORITIES.—Section 481(a) of the Foreign Assistance Act (22 U.S.C. 2291(a)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (D) through (F) as subparagraphs (E) through (G), respectively; and

(B) by inserting after subparagraph (C) the following new subparagraph:

''(D) International criminal activities, particularly international narcotics trafficking, money laundering, and corruption, endanger political and economic stability and democratic development, and assistance for the prevention and suppression of international criminal activities should be a priority for the United States.''; and

(2) in paragraph (4), by adding before the period at the end the following: '', or for other anticrime purposes''.

(b) CONTRIBUTIONS AND REIMBURSEMENT.—Section 482(c) of that Act (22 U.S.C. 2291a(c)) is amended—

(1) by striking ''CONTRIBUTION BY RECIPIENT COUNTRY.—To'' and inserting ''CONTRIBUTIONS AND REIMBURSEMENT.—(1) To''; and

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

''(2)(A) The President is authorized to accept contributions from foreign governments to carry out the purposes of this chapter. Such contributions shall be deposited as an offsetting collection to the applicable appropriation account and may be used under the same terms and conditions as funds appropriated pursuant to this chapter.

''(B) At the time of submission of the annual congressional presentation documents required by section 634(a), the President shall provide a detailed report on any contributions received in the preceding fiscal year, the amount of such contributions, and the purposes for which such contributions were used.

''(3) The President is authorized to provide assistance under this chapter on a reimbursable basis. Such reimbursements shall be deposited as an offsetting collection to the applicable appropriation and may be used under the same terms and conditions as funds appropriated pursuant to this chapter.''.

(c) IMPLEMENTATION OF LAW ENFORCEMENT ASSISTANCE.—Section 482 of such Act (22 U.S.C. 2291a) is amended by adding at the end the following new subsections:

''(f) TREATMENT OF FUNDS.—Funds transferred to and consolidated with funds appropriated pursuant to this chapter may be made available on such terms and conditions as are applicable to funds appropriated pursuant to this chapter. Funds so transferred or consolidated shall be apportioned directly to the bureau within the Department of State responsible for administering this chapter.

''(g) EXCESS PROPERTY.—For purposes of this chapter, the Secretary of State may use the authority of section 608, without regard to the restrictions of such section, to receive nonlethal excess property from any agency of the United States Government for the purpose of providing such property to a foreign government under the same terms and conditions as funds authorized to be appropriated for the purposes of this chapter.''.

SEC. 132. NOTIFICATION REQUIREMENT.

(a) IN GENERAL.—The authority of section 1003(d) of the National Narcotics Control Leadership Act of 1988 (21 U.S.C. 1502(d)) may be exercised with respect to funds authorized to be appropriated pursuant to the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) and with respect to the personnel of the Department of State only to the extent that the appropriate congressional committees have been notified 15 days in advance in accordance with the reprogramming procedures applicable under section 634A of that Act (22 U.S.C. 2394).

(b) DEFINITION.—For purposes of this section, the term ''appropriate congressional committees'' means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

SEC. 133. WAIVER OF RESTRICTIONS FOR NARCOTICS-RELATED ECONOMIC ASSISTANCE.

For each of the fiscal years 1996 and 1997, narcotics-related assistance under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) may be provided notwithstanding any other provision of law that restricts assistance to foreign countries (other than section 490(e) or section 502B of that Act (22 U.S.C. 2291j(e) and 2304)) if, at least 15 days before obligating funds for such assistance, the President notifies the appropriate congressional committees (as defined in section 481(e) of that Act (22 U.S.C. 2291(e))) in accordance with the procedures applicable to reprogramming notifications under section 634A of that Act (22 U.S.C. 2394).

CHAPTER 5—OTHER PROVISIONS

SEC. 141. STANDARDIZATION OF CONGRESSIONAL REVIEW PROCEDURES FOR ARMS TRANSFERS.

(a) THIRD COUNTRY TRANSFERS UNDER FMS SALES.—Section 3(d)(2) of the Arms Export Control Act (22 U.S.C. 2753(d)(2)) is amended—

(1) in subparagraph (A), by striking '', as provided for in sections 36(b)(2) and 36(b)(3) of this Act'';

(2) in subparagraph (B), by striking ''law'' and inserting ''joint resolution''; and

(3) by adding at the end the following:

''(C) If the President states in his certification under subparagraph (A) or (B) that an emergency exists which requires that consent to the proposed transfer become effective immediately in the national security interests of the United States, thus waiving the requirements of that subparagraph, the President shall set forth in the certification a detailed justification for his determination, including a description of the emergency circumstances which necessitate immediate consent to the transfer and a discussion of the national security interests involved.

''(D)(i) Any joint resolution under this paragraph shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

''(ii) For the purpose of expediting the consideration and enactment of joint resolutions under this paragraph, a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.''.

(b) THIRD COUNTRY TRANSFERS UNDER COMMERCIAL SALES.—Section 3(d)(3) of such Act (22 U.S.C. 2753(d)(3)) is amended—

(1) by inserting ''(A)'' after ''(3)'';

(2) in the first sentence—

(A) by striking ''at least 30 calendar days''; and

(B) by striking ''report'' and inserting ''certification''; and

(3) by striking the last sentence and inserting the following: ''Such certification shall be submitted—

''(i) at least 15 calendar days before such consent is given in the case of a transfer to a country which is a member of the North Atlantic Treaty Organization or Australia, Japan, or New Zealand; and

''(ii) at least 30 calendar days before such consent is given in the case of a transfer to any other country,

unless the President states in his certification that an emergency exists which requires that consent to the proposed transfer become effective immediately in the national security interests of the United States. If the President states in his certification that such an emergency exists (thus waiving the requirements of clause (i) or (ii), as the case may be, and of subparagraph (B)) the President shall set forth in the certification a detailed justification for his determination, including a description of the emergency circumstances which necessitate that consent to the proposed transfer become effective immediately and a discussion of the national security interests involved.

''(B) Consent to a transfer subject to subparagraph (A) shall become effective after the end of the 15-day or 30-day period specified in subparagraph (A)(i) or (ii), as the case may be, only if the Congress does not enact, within that period, a joint resolution prohibiting the proposed transfer.

''(C)(i) Any joint resolution under this paragraph shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

''(ii) For the purpose of expediting the consideration and enactment of joint resolutions under this paragraph, a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.''.

(c) COMMERCIAL SALES.—Section 36(c)(2) of such Act (22 U.S.C. 2776(c)(2)) is amended by amending subparagraphs (A) and (B) to read as follows:

''(A) in the case of a license for an export to the North Atlantic Treaty Organization, any member country of that Organization or Australia, Japan, or New Zealand, shall not be issued until at least 15 calendar days after the Congress receives such certification, and shall not be issued then if the Congress, within that 15-day period, enacts a joint resolution prohibiting the proposed export; and

''(B) in the case of any other license, shall not be issued until at least 30 calendar days after the Congress receives such certification, and shall not be issued then if the Congress, within that 30-day period, enacts a joint resolution prohibiting the proposed export.''.

(d) COMMERCIAL MANUFACTURING AGREEMENTS.—Section 36(d) of such Act (22 U.S.C. 2776(d)) is amended—

(1) by inserting ''(1)'' after ''(d)'';

(2) by striking ''for or in a country not a member of the North Atlantic Treaty Organization''; and

(3) by adding at the end the following:

''(2) A certification under this subsection shall be submitted—

''(A) at least 15 days before approval is given in the case of an agreement for or in a country which is a member of the North Atlantic Treaty Organization or Australia, Japan, or New Zealand; and

''(B) at least 30 days before approval is given in the case of an agreement for or in any other country;

unless the President states in his certification that an emergency exists which requires the immediate approval of the agreement in the national security interests of the United States.

''(3) If the President states in his certification that an emergency exists which requires the immediate approval of the agreement in the national security interests of the United States, thus waiving the requirements of paragraph (4), he shall set forth in the certification a detailed justification for his determination, including a description of the emergency circumstances which necessitate the immediate approval of the agreement and a discussion of the national security interests involved.

''(4) Approval for an agreement subject to paragraph (1) may not be given under section 38 if the Congress, within the 15-day or 30-day period specified in paragraph (2)(A) or (B), as the case may be, enacts a joint resolution prohibiting such approval.

''(5)(A) Any joint resolution under paragraph (4) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

''(B) For the purpose of expediting the consideration and enactment of joint resolutions under paragraph (4), a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.''.

(e) GOVERNMENT-TO-GOVERNMENT LEASES.—

(1) CONGRESSIONAL REVIEW PERIOD.—Section 62 of such Act (22 U.S.C. 2796a) is amended—

(A) in subsection (a), by striking ''Not less than 30 days before'' and inserting ''Before'';

(B) in subsection (b)—

(i) by striking ''determines, and immediately reports to the Congress'' and inserting ''states in his certification''; and

(ii) by adding at the end of the subsection the following: ''If the President states in his certification that such an emergency exists, he shall set forth in the certification a detailed justification for his determination, including a description of the emergency circumstances which necessitate that the lease be entered into immediately and a discussion of the national security interests involved.''; and

(C) by adding at the end of the section the following:

''(c) The certification required by subsection (a) shall be transmitted—

''(1) not less than 15 calendar days before the agreement is entered into or renewed in the case of an agreement with the North Atlantic Treaty Organization, any member country of that Organization or Australia, Japan, or New Zealand; and

''(2) not less than 30 calendar days before the agreement is entered into or renewed in the case of an agreement with any other organization or country.''.

(2) CONGRESSIONAL DISAPPROVAL.—Section 63(a) of such Act (22 U.S.C. 2796b(a)) is amended—

(A) by striking ''(a)(1)'' and inserting ''(a)'';

(B) by striking out the ''30 calendar days after receiving the certification with respect to that proposed agreement pursuant to section 62(a),'' and inserting in lieu thereof ''the 15-day or 30-day period specified in section 62(c) (1) or (2), as the case may be,''; and

(C) by striking paragraph (2).

(f) EFFECTIVE DATE.—The amendments made by this section apply with respect to certifications required to be submitted on or after the date of the enactment of this Act.

SEC. 142. STANDARDIZATION OF THIRD COUNTRY TRANSFERS OF DEFENSE ARTICLES.

Section 3 of the Arms Export Control Act (22 U.S.C. 2753) is amended by inserting after subsection (a) the following new subsection:

''(b) The consent of the President under paragraph (2) of subsection (a) or under paragraph (1) of section 505(a) of the Foreign Assistance Act of 1961 (as it relates to subparagraph (B) of such paragraph) shall not be required for the transfer by a foreign country or international organization of defense articles sold by the United States under this Act if—

''(1) such articles constitute components incorporated into foreign defense articles;

''(2) the recipient is the government of a member country of the North Atlantic Treaty Organization, the Government of Australia, the Government of Japan, or the Government of New Zealand;

''(3) the recipient is not a country designated under section 620A of the Foreign Assistance Act of 1961;

''(4) the United States-origin components are not—

''(A) significant military equipment (as defined in section 47(9));

''(B) defense articles for which notification to Congress is required under section 36(b); and

''(C) identified by regulation as Missile Technology Control Regime items; and

''(5) the foreign country or international organization provides notification of the transfer of the defense articles to the United States Government not later than 30 days after the date of such transfer.''.

SEC. 143. INCREASED STANDARDIZATION, RATIONALIZATION, AND INTEROPERABILITY OF ASSISTANCE AND SALES PROGRAMS.

Paragraph (6) of section 515(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321i(a)(6)) is amended by striking ''among members of the North Atlantic Treaty Organization and with the Armed Forces of Japan, Australia, and New Zealand''.

SEC. 144. DEFINITION OF SIGNIFICANT MILITARY EQUIPMENT.

Section 47 of the Arms Export Control Act (22 U.S.C. 2794) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

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

''(9) 'significant military equipment' means articles—

''(A) for which special export controls are warranted because of the capacity of such articles for substantial military utility or capability; and

''(B) identified on the United States Munitions List.''.

SEC. 145. ELIMINATION OF ANNUAL REPORTING REQUIREMENT RELATING TO THE SPECIAL DEFENSE ACQUISITION FUND.

(a) IN GENERAL.—Section 53 of the Arms Export Control Act (22 U.S.C. 2795b) is hereby repealed.

(b) CONFORMING AMENDMENT.—Section 51(a)(4) of such Act (22 U.S.C. 2795(a)(4)) is amended—

(1) by striking ''(a)''; and

(2) by striking subparagraph (B).

SEC. 146. COST OF LEASED DEFENSE ARTICLES THAT HAVE BEEN LOST OR DESTROYED.

Section 61(a)(4) of the Arms Export Control Act (22 U.S.C. 2796(a)(4)) is amended by striking ''and the replacement cost'' and all that follows and inserting the following: ''and, if the articles are lost or destroyed while leased—

''(A) in the event the United States intends to replace the articles
lost or destroyed, the replacement cost (less any depreciation in the value) of the articles; or

''(B) in the event the United States does not intend to replace the articles lost or destroyed, an amount not less than the actual value (less any depreciation in the value) specified in the lease agreement.''.

SEC. 147. DESIGNATION OF MAJOR NON-NATO ALLIES.

(a) DESIGNATION.—

(1) NOTICE TO CONGRESS.—Chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

''SEC. 517. DESIGNATION OF MAJOR NON-NATO ALLIES.

''(a) NOTICE TO CONGRESS.—The President shall notify the Congress in writing at least 30 days before—

''(1) designating a country as a major non-NATO ally for purposes of this Act and the Arms Export Control Act (22 U.S.C. 2751 et seq.); or

''(2) terminating such a designation.

''(b) INITIAL DESIGNATIONS.—Australia, Egypt, Israel, Japan, the Republic of Korea, and New Zealand shall be deemed to have been so designated by the President as of the effective date of this section, and the President is not required to notify the Congress of such designation of those countries.''.

(2) DEFINITION.—Section 644 of such Act (22 U.S.C. 2403) is amended by adding at the end the following:

''(q) 'Major non-NATO ally' means a country which is designated in accordance with section 517 as a major non-NATO ally for purposes of this Act and the Arms Export Control Act (22 U.S.C. 2751 et seq.).''.

(3) EXISTING DEFINITIONS.—(A) The last sentence of section 21(g) of the Arms Export Control Act (22 U.S.C. 2761(g)) is repealed.

(B) Section 65(d) of such Act (22 U.S.C. 2796d(d)) is amended—

(i) by striking ''or major non-NATO''; and

(ii) by striking out ''or a'' and all that follows through ''Code''.

(b) COOPERATIVE TRAINING AGREEMENTS.—Section 21(g) of the Arms Export Control Act (22 U.S.C. 2761(g)) is amended in the first sentence by striking ''similar agreements'' and all that follows through ''other countries'' and inserting ''similar agreements with countries''.

SEC. 148. CERTIFICATION THRESHOLDS.

(a) INCREASE IN DOLLAR THRESHOLDS.—The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—

(1) in section 3(d) (22 U.S.C. 2753(d))—

(A) in paragraphs (1) and (3), by striking ''$14,000,000'' each place it appears and inserting ''$25,000,000''; and

(B) in paragraphs (1) and (3), by striking ''$50,000,000'' each place it appears and inserting ''$75,000,000'';

(2) in section 36 (22 U.S.C. 2776)—

(A) in subsections (b)(1), (b)(5)(C), and (c)(1), by striking ''$14,000,000'' each place it appears and inserting ''$25,000,000'';

(B) in subsections (b)(1), (b)(5)(C), and (c)(1), by striking ''$50,000,000'' each place it appears and inserting ''$75,000,000''; and

(C) in subsections (b)(1) and (b)(5)(C), by striking ''$200,000,000'' each place it appears and inserting ''$300,000,000''; and

(3) in section 63(a) (22 U.S.C. 2796b(a))—

(A) by striking ''$14,000,000'' and inserting ''$25,000,000''; and

(B) by striking ''$50,000,000'' and inserting ''$75,000,000''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to certifications submitted on or after the date of the enactment of this Act.

SEC. 149. DEPLETED URANIUM AMMUNITION.

Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2370 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

''SEC. 620G. DEPLETED URANIUM AMMUNITION.

''(a) PROHIBITION.—Except as provided in subsection (b), none of the funds made available to carry out this Act or any other Act may be made available to facilitate in any way the sale of M–833 antitank shells or any comparable antitank shells containing a depleted uranium penetrating component to any country other than—

''(1) a country that is a member of the North Atlantic Treaty Organization;

''(2) a country that has been designated as a major non-NATO ally (as defined in section 644(q)); or

''(3) Taiwan.

''(b) EXCEPTION.—The prohibition contained in subsection (a) shall not apply with respect to the use of funds to facilitate the sale of antitank shells to a country if the President determines that to do so is in the national security interest of the United States.''.

SEC. 150. END-USE MONITORING OF DEFENSE ARTICLES AND DEFENSE SERVICES.

(a) IN GENERAL.—The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended by inserting after chapter 3 the following new chapter:

''CHAPTER 3A—END-USE MONITORING OF DEFENSE ARTICLES AND DEFENSE SERVICES

''SEC. 40A. END-USE MONITORING OF DEFENSE ARTICLES AND DEFENSE SERVICES.

''(a) ESTABLISHMENT OF MONITORING PROGRAM.—

''(1) IN GENERAL.—In order to improve accountability with respect to defense articles and defense services sold, leased, or exported under this Act or the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the President shall establish a program which provides for the end-use monitoring of such articles and services.

''(2) REQUIREMENTS OF PROGRAM.—To the extent practicable, such program—

''(A) shall provide for the end-use monitoring of defense articles and defense services in accordance with the standards that apply for identifying high-risk exports for regular end-use verification developed under section 38(g)(7) of this Act (commonly referred to as the 'Blue Lantern' program); and

''(B) shall be designed to provide reasonable assurance that—

''(i) the recipient is complying with the requirements imposed by the United States Government with respect to use, transfers, and security of defense articles and defense services; and

''(ii) such articles and services are being used for the purposes for which they are provided.

''(b) CONDUCT OF PROGRAM.—In carrying out the program established under subsection (a), the President shall ensure that the program—

''(1) provides for the end-use verification of defense articles and defense services that incorporate sensitive technology, defense articles and defense services that are particularly vulnerable to diversion or other misuse, or defense articles or defense services whose diversion or other misuse could have significant consequences; and

''(2) prevents the diversion (through reverse engineering or other means) of technology incorporated in defense articles.

''(c) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this section, and annually thereafter as a part of the annual congressional presentation documents submitted under section 634 of the Foreign Assistance Act of 1961, the President shall transmit to the Congress a report describing the actions taken to implement this section, including a detailed accounting of the costs and number of personnel associated with the monitoring program.

''(d) THIRD COUNTRY TRANSFERS.—For purposes of this section, defense articles and defense services sold, leased, or exported under this Act or the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) includes defense articles and defense services that are transferred to a third country or other third party.''.

(b) EFFECTIVE DATE.—Section 40A of the Arms Export Control Act, as added by subsection (a), applies with respect to defense articles and defense services provided before or after the date of the enactment of this Act.

SEC. 151. BROKERING ACTIVITIES RELATING TO COMMERCIAL SALES OF DEFENSE ARTICLES AND SERVICES.

(a) IN GENERAL.—Section 38(b)(1)(A) of the Arms Export Control Act (22 U.S.C. 2778(b)(1)(A)) is amended—

(1) in the first sentence, by striking ''As prescribed in regulations'' and inserting ''(i) As prescribed in regulations''; and

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

''(ii)(I) As prescribed in regulations issued under this section, every person (other than an officer or employee of the United States Government acting in official capacity) who engages in the business of brokering activities with respect to the manufacture, export, import, or transfer of any defense article or defense service designated by the President under subsection (a)(1), or in the business of brokering activities with respect to the manufacture, export, import, or transfer of any foreign defense article or defense service (as defined in subclause (IV)), shall register with the United States Government agency charged with the administration of this section, and shall pay a registration fee which shall be prescribed by such regulations.

''(II) Such brokering activities shall include the financing, transportation, freight forwarding, or taking of any other action that facilitates the manufacture, export, or import of a defense article or defense service.

''(III) No person may engage in the business of brokering activities described in subclause (I) without a license, issued in accordance with this Act, except that no license shall be required for such activities undertaken by or for an agency of the United States Government—

''(aa) for use by an agency of the United States Government; or

''(bb) for carrying out any foreign assistance or sales program authorized by law and subject to the control of the President by other means.

''(IV) For purposes of this clause, the term 'foreign defense article or defense service' includes any non-United States defense article or defense service of a nature described on the United States Munitions List regardless of whether such article or service is of United States origin or whether such article or service contains United States origin components.''.

(b) EFFECTIVE DATE.—Section 38(b)(1)(A)(ii) of the Arms Export Control Act, as added by subsection (a), shall apply with respect to brokering activities engaged in beginning on or after 120 days after the enactment of this Act.

SEC. 152. RETURN AND EXCHANGES OF DEFENSE ARTICLES PREVIOUSLY TRANSFERRED PURSUANT TO THE ARMS EXPORT CONTROL ACT.

(a) REPAIR OF DEFENSE ARTICLES.—Section 21 of the Arms Export Control Act (22 U.S.C. 2761) is amended by adding at the end the following new subsection:

''(l) REPAIR OF DEFENSE ARTICLES.—

''(1) IN GENERAL.—The President may acquire a repairable defense article from a foreign country or international organization if such defense article—

''(A) previously was transferred to such country or organization under this Act;

''(B) is not an end item; and

''(C) will be exchanged for a defense article of the same type that is in the stocks of the Department of Defense.

''(2) LIMITATION.—The President may exercise the authority provided in paragraph (1) only to the extent that the Department of Defense—

''(A)(i) has a requirement for the defense article being returned; and

''(ii) has available sufficient funds authorized and appropriated for such purpose; or

''(B)(i) is accepting the return of the defense article for subsequent transfer to another foreign government or international organization pursuant to a letter of offer and acceptance implemented in accordance with this Act; and

''(ii) has available sufficient funds provided by or on behalf of such other foreign government or international organization pursuant to a letter of offer and acceptance implemented in accordance with this Act.

''(3) REQUIREMENT.—(A) The foreign government or international organization receiving a new or repaired defense article in exchange for a repairable defense article pursuant to paragraph (1) shall, upon the acceptance by the United States Government of the repairable defense article being returned, be charged the total cost associated with the repair and replacement transaction.

''(B) The total cost charged pursuant to subparagraph (A) shall be the same as that charged the United States Armed Forces for a similar repair and replacement transaction, plus an administrative surcharge in accordance with subsection (e)(1)(A) of this section.

''(4) RELATIONSHIP TO CERTAIN OTHER PROVISIONS OF LAW.—The authority of the President to accept the return of a repairable defense article as provided in subsection (a) shall not be subject to chapter 137 of title 10, United States Code, or any other provision of law relating to the conclusion of contracts.''.

(b) RETURN OF DEFENSE ARTICLES.—Section 21 of such Act (22 U.S.C. 2761), as amended by this Act, is further amended by adding at the end the following new subsection:

''(m) RETURN OF DEFENSE ARTICLES.—

''(1) IN GENERAL.—The President may accept the return of a defense article from a foreign country or international organization if such defense article—

''(A) previously was transferred to such country or organization under this Act;

''(B) is not significant military equipment (as defined in section 47(9) of this Act); and

''(C) is in fully functioning condition without need of repair or rehabilitation.

''(2) LIMITATION.—The President may exercise the authority provided in paragraph (1) only to the extent that the Department of Defense—

''(A)(i) has a requirement for the defense article being returned; and

''(ii) has available sufficient funds authorized and appropriated for such purpose; or

''(B)(i) is accepting the return of the defense article for subsequent transfer to another foreign government or international organization pursuant to a letter of offer and acceptance implemented in accordance with this Act; and

''(ii) has available sufficient funds provided by or on behalf of such other foreign government or international organization pursuant to a letter of offer and acceptance implemented in accordance with this Act.

''(3) CREDIT FOR TRANSACTION.—Upon acquisition and acceptance by the United States Government of a defense article under paragraph (1), the appropriate Foreign Military Sales account of the provider shall be credited to reflect the transaction.

''(4) RELATIONSHIP TO CERTAIN OTHER PROVISIONS OF LAW.—The authority of the President to accept the return of a defense article as provided in paragraph (1) shall not be subject to chapter 137 of title 10, United States Code, or any other provision of law relating to the conclusion of contracts.''.

(c) REGULATIONS.—Under the direction of the President, the Secretary of Defense shall promulgate regulations to implement subsections (l) and (m) of section 21 of the Arms Export Control Act, as added by this section.

SEC. 153. NATIONAL SECURITY INTEREST DETERMINATION TO WAIVE REIMBURSEMENT OF DEPRECIATION FOR LEASED DEFENSE ARTICLES.

(a) IN GENERAL.—Section 61(a) of the Arms Export Control Act (22 U.S.C. 2796(a)) is amended—

(1) in the second sentence, by striking '', or to any defense article which has passed three-quarters of its normal service life''; and

(2) by inserting after the second sentence the following new sentence: ''The President may waive the requirement of paragraph (4) for reimbursement of depreciation for any defense article which has passed three-quarters of its normal service life if the President determines that to do so is important to the national security interest of the United States.''.

(b) EFFECTIVE DATE.—The third sentence of section 61(a) of the Arms Export Control Act, as added by subsection (a)(2), shall apply only with respect to a defense article leased on or after the date of the enactment of this Act.

SEC. 154. ELIGIBILITY OF PANAMA UNDER ARMS EXPORT CONTROL ACT.

The Government of the Republic of Panama shall be eligible to purchase defense articles and defense services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), except as otherwise specifically provided by law.

TITLE II—TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES

SEC. 201. AUTHORITY TO TRANSFER NAVAL VESSELS.

(a) EGYPT.—The Secretary of the Navy is authorized to transfer to the Government of Egypt the ''OLIVER HAZARD PERRY CLASS'' frigate GALLERY. Such transfer shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761; relating to the foreign military sales program).

(b) MEXICO.—The Secretary of the Navy is authorized to transfer to the Government of Mexico the ''KNOX'' class frigates STEIN (FF 1065) and MARVIN SHIELDS (FF 1066). Such transfers shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761; relating to the foreign military sales program).

(c) NEW ZEALAND.—The Secretary of the Navy is authorized to transfer to the Government of New Zealand the ''STALWART'' class ocean surveillance ship TENACIOUS. Such transfer shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761; relating to the foreign military sales program).

(d) PORTUGAL.—The Secretary of the Navy is authorized to transfer to the Government of Portugal the ''STALWART'' class ocean surveillance ship AUDACIOUS. Such transfer shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j; relating to transfers of excess defense articles).

(e) TAIWAN.—The Secretary of the Navy is authorized to transfer to the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act) the following:

(1) The ''KNOX'' class frigates AYLWIN (FF 1081), PHARRIS (FF 1094), and VALDEZ (FF 1096). Such transfers shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761; relating to the foreign military sales program).

(2) The ''NEWPORT'' class tank landing ship NEWPORT (LST 1179). Such transfer shall be on a lease basis under section 61 of the Arms Export Control Act (22 U.S.C. 2796).

(f) THAILAND.—The Secretary of the Navy is authorized to transfer to the Government of Thailand the ''KNOX'' class frigate OUELLET (FF 1077). Such transfer shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761; relating to the foreign military sales program).

SEC. 202. COSTS OF TRANSFERS.

Any expense of the United States in connection with a transfer authorized by this title shall be charged to the recipient.

SEC. 203. EXPIRATION OF AUTHORITY.

The authority granted by section 201 shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

SEC. 204. REPAIR AND REFURBISHMENT OF VESSELS IN UNITED STATES SHIPYARDS.

The Secretary of the Navy shall require, to the maximum extent possible, as a condition of a transfer of a vessel under this title, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from California [Mr. LANTOS] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

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

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I am pleased to bring this legislation to the floor of the House at this time.

The purpose of title I of this bill is to amend authorities under the Foreign Assistance Act of 1961, as amended, and the Arms Export Control Act to revise and consolidate defense and security assistance authorities, in particular by updating policy and statutory authorities.

The genesis of this effort began nearly 7 years ago, with H.R. 2655, the International Cooperation Act of 1989. Subsequent legislation by the then Committee on Foreign Affairs, including H.R. 2508, the International Cooperation Act of 1991, and later bills, continued our efforts to amend and update these important authorities.

On June 8, 1995, the House of Representatives passed H.R. 1561, the American Overseas Interest Act of 1995, by a vote of 222 to 192. Title XXXI of division C, the Foreign Aid Reduction Act of 1995, was dedicated to defense and security assistance provisions. On March 12, 1996, the House agreed to the conference report on H.R. 1561 by a vote of 226 to 172. The conference report, though, did not include provisions from division C of the House-passed bill.

This legislation, H.R. 3121, continues the effort by our Committee on International Relations to amend the Foreign Assistance Act and the Arms Export Control Act to make improvements to defense and security assistance provisions under those acts. The provisions included in title I of this bill are nearly identical to title XXXI of H.R. 1561, are the product of bipartisan effort and cooperation, and enjoy the strong support of the Departments of State and Defense.

Central to consideration of this bill is the committee's view that this legislation fulfills its responsibility as an authorizing committee. Specifically, this legislation codifies in permanent law authorizing language which has been too long carried on annual appropriations measures.

The purpose of title II of this bill is to authorize the transfer of naval vessels to certain foreign nations pursuant to the administration's request of January 29, 1996, Title II of this bill authorizes the transfer of 10 naval vessels, 8 sales, 1 by lease and 1 by grant, to the following nations: to Egypt, to Mexico, to New Zealand, to Portugal, to Taiwan, and to Thailand.

According to our Department of Defense, the Chief of Naval Operations has certified that these naval vessels are not essential to the defense of our own Nation.

As detailed above, the United States plans to transfer eight naval vessels by sale, pursuant to section 21 of the Arms Export Control Act. One of the vessels will be transferred as a lease, pursuant to chapter 6 of the Arms Export Control Act, and one of the vessels will be transferred as a grant pursuant to section 519 of the Foreign Assistance Act of 1961, as amended.

The United States will incur no cost for the transfer of the naval vessels under this legislation. The foreign recipients will be responsible for all costs associated with the transfer of the vessels, including maintenance, repairs, training and fleet turnover costs. Any expenses incurred in connection with these transfers will be charged to the foreign recipients.

Through the sale of these naval vessels, this legislation will generate $72 million in revenue for the U.S. Treasury. In addition, through repair and reactivation work, through service contracts, ammunition sales, and savings generated from avoidance of storage and deactivation costs, our Navy estimates that the legislation will generate an additional $525 million in revenue for the U.S. Treasury and for private U.S. firms.

I commend this bill to the House and I ask my colleagues for their support.

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

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

Mr. Speaker, first I would like to commend the distinguished chairman of our committee for his leadership on this bill and on so many other matters. I rise in strong support of this resolution.

Mr. Speaker, I yield 2 minutes to my good friend and distinguished colleague, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman from California, and I want to join in congratulating his leadership, along with the gentleman from New York in the previous resolution on the Holocaust.

In general, this is good legislation. As someone who represents a large number of Portuguese-Americans who are proud of the very strong, thriving relationship between our two democratic nations, I am pleased to see through the efforts of my colleagues the needs of the Portuguese Navy have been in part accommodated.

But I am severely disappointed that this legislation continues a pattern of rewarding the Government of Indonesia, which continues to engage in some of the most oppressive and racist activities in the world in their maltreatment of the people of East Timor. Indonesia's record in East Timor is one of the great moral failings in the world, and unfortunately it is a further moral failing that the rest of the world stands back and allows the people of East Timor to be so oppressed.

I understand that this is military and educational training. Theoretically just for civilians, in ways it is supposed to help. But you know when you are in East Timor being oppressed, when you are being killed or imprisoned by this brutal regime, the fact the people doing the killing and the Indonesians are a little better educated in civic values than they otherwise might have been is no consolation. I regret very much that this legislation continues that practice.

Last year I offered an amendment to strike from the foreign operations appropriations bill all aid to Indonesia. The Committee on Rules did not allow it. I want to announce now that I and others intend to insist this time on our right to at least vote on that. It is bad enough that this Congress goes along with rewarding the brutal actions of the Government of Indonesia, but to deny us even a chance to vote for it implicates our own procedures in that unfortunate aspect, although obviously murder is a lot worse than our being able to vote. I am sorry it is not included here, and I pledge we will do everything we can to end the practice of rewarding the Indonesian Government until and unless it stops its brutalization of the people of East Timor.

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

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from Rhode Island [Mr. KENNEDY], my good friend and distinguished colleague.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I would like to concur with my colleague from Massachusetts [Mr. FRANK], in that this bill should not be on the Suspension Calendar as it relates to the inclusion of an enhancement for Indonesia for the same reasons my colleagues just spoke.

Indonesia has proven itself to be someone with no respect and regard for the human rights of the East Timorese in the application of their Government in East Timor. They have systematically used their Government to oppose the East Timorese. They have terrorized, brutalized, they have killed demonstrators in broad daylight in front of international cameras. They will go to no end to show that they are not worthy of the recognition that this enhancement gives them.

The whole idea of the enhancement is to say, ''Well, we will work with you.''

□ 1415

But understand, we will work to support democratic efforts. But if there are no democratic efforts being undertaken, it is a little presumptuous for us to think that simply by our recognition of East Timor through this enhanced IMET that we are going to replace what is not there. That is the problem with enhanced IMET.

My former colleague, Congressman Ron Machtly, was successful in revoking IMET. It was a good thing that this Congress recognized it. Nothing has changed. Indonesia still oppresses these Timorese, and that is why this is not the time for us to be renewing IMET. That is why, Mr. Chairman, as the gentleman can obviously tell, there are people like myself, the gentlewoman from California [Ms. PELOSI], the gentlewoman from New York [Mrs. LOWEY], and others, the gentleman from Massachusetts [Mr. FRANK], who know this is not an issue where we should be debating it on a Suspension Calendar. We have no problem debating this as a bill on the floor itself, and that is the way it should come before us.

Mr. Speaker, this bill contains provisions, as the gentleman from New York said, which we all support. I would be the first to commend the gentleman from New York [Mr. GILMAN] for the inclusion of the hydrographic vessel that goes to Portugal. But that is the proper role for a suspension bill. The IMET is not. So while I support that endeavor that the gentleman has put into the bill, this I have to object to.

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

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, I rise today in strong opposition to the provision in this bill that authorizes international military education and training [IMET] assistance for Indonesia.

In 1992, we voted to end all IMET assistance for Indonesia because of that country's abysmal human rights record and their continued oppression of the people of East Timor. Despite the lack of improvement in Indonesia's human rights record, and the opposition of myself and many of my colleagues, a modified IMET program was approved for Indonesia in the Foreign Operations Appropriations Act for fiscal year 1996.

When this provision was added to the foreign aid bill last year, we said we would monitor the human rights situation in Indonesia very carefully and act accordingly this year. Well, the State Department's Country Report on Indonesia was released last month, and according to the report, ''The government continued to commit serious human rights abuses.''

So what do we do a month after this report came out? We attempt to slip reauthorization of IMET for Indonesia into a supposedly noncontroversial bill that is being considered on the Suspension Calendar. This is an unacceptable way to legislate.

Mr. Speaker, in the past we have debated this issue extensively. Last year, I offered an amendment to the foreign aid bill to prohibit this assistance from going to Indonesia. There is significant opposition in Congress to Indonesian IMET. That doesn't sound noncontroversial to me.

A month ago, the State Department said that in Indonesia ''reports of extrajudicial killings, disappearances, and torture of those in custody by security forces increased.'' Not decreased. Not stayed the same. Increased. Should we really be authorizing IMET assistance for this government now when they have not addressed these critical human rights issues? I don't think so.

Indonesia's policy in East Timor is about the oppression of people who oppose Indonesia's right to torture, kill, and repress the people of East Timor. It is about the 200,000 Timorese who have been slaughtered since the Indonesian occupation in 1975—200,000 killed out of a total population of 700,000. It is about genocide.

Mr. Speaker, this is not a noncontroversial issue, and should never have been brought up under suspension.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas [Mr. BROWNBACK], a member of our committee.

(Mr. BROWNBACK asked and was given permission to revise and extend his remarks.)

Mr. BROWNBACK. Mr. Speaker, let me begin by congratulating Chairman GILMAN for the hard work he and his staff have put into reforming the defense and security assistance provisions incorporated in H.R. 3121.

I think H.R. 3121 represents a common sense approach to advancing our foreign policy goals of promoting global security, ensuring the security of U.S. citizens and U.S. allies around the world, and encouraging democracy. However, the bill achieves these goals while effectively reducing the amount of excess defense articles that will be transferred to our allies on a grant or no-cost lease basis.

We need to use the grant and no-cost lease options sparingly so that these programs recover as much money for the taxpayers as possible. H.R. 3121 will force the Defense Department to drastically reduce the number of no-cost leases and grants that are used to transfer excess defense articles to our allies. The bill creates the national security interest determination that the President will have to invoke in order to provide a no-cost lease for excess defense articles.

Mr. Speaker, H.R. 3121 also requires the Pentagon to evaluate whether excess defense articles should be transferred on a grant basis or on a sale basis, depending upon what the potential proceeds would be from a sale, what the likelihood of selling a defense article would be, and what the foreign policy benefits of a transfer would be. Mr. Speaker, I simply add that in this time of budgetary constraint and austerity, I think this is a very good measure that we move forward with that, we say to the Defense Department and we say to the administration, if you are going to give away these ships, if you are going to give away these airplanes, you better have a darn good reason to do it, because we are broke and we need to be able to recognize and get as much funding as we possibly can and have as much restraint here as possible.

That is in the bill, and I commend Chairman GILMAN for inserting it.

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

Mr. BROWNBACK. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for focusing on the changes and the reforms that are a part of this bill. The gentleman has been active as well as Chairman GILMAN and the ranking member.

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

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

Mr. GILMAN. Mr. Speaker, I just want to commend the gentleman from Kansas for his astute observations, analysis of the bill. He has been a sound critic of the prior procedures that we have utilized in transferring this equipment, and as a result of his efforts, a good reform has come about. I thank the gentleman for his efforts.

Mr. BROWNBACK. I thank the gentleman very much.

Mr. HAMILTON. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I want to commend Chairman GILMAN for his leadership on this bill. He has proceeded in a very constructive and bipartisan way. The first part of the bill, an amendment of security assistance authorities in the Foreign Assistance Act and the Arms Export Control Act, has indeed been developed on a bipartisan basis under Chairman GILMAN's leadership. He has already spoken in some detail about the bill, and I do not want to repeat his presentation.

Mr. Speaker, I just want to speak to two issues that have come up by our colleagues. One is expanded IMET for Indonesia. The issue of expanded IMET for Indonesia is troubling to some Members of this House. The administration strongly supports the provision in this bill which exactly tracks the Foreign Operations Act for this fiscal year. The bill would not allow IMET assistance for traditional purposes. There would be no lethal training.

This bill allows military education and training in Indonesia only for very specific purposes: To foster greater respect for and understanding of the principle of civilian control of the military, to improve military justice in accordance with internationally recognized human rights, and to improve counternarcotics cooperation. The purpose of this so-called expanded IMET is solely to give the United States a better handle in trying to alter the behavior of the Indonesian Government and

the military which, of course, is the strongest, most influential institution in the country.

Second, Members interested in arms control have raised questions about this bill, as well. I believe this bill will help improve Congress' oversight of the arms export control process. The bill gives the Congress an additional 20 days' advance notification of arms export commercial licenses and coproduction agreements. It will give Congress the same window on these transactions as it now has on government-to-government sales.

For the first time, it will give the Congress the ability to offer resolutions of disapproval on third-country transfers and on coproduction agreements. For the first time, the Congress will require the executive branch to establish a comprehensive end-use monitoring system on government-to-government arms transfers. For the first time, Congress will put a genuine meaningful cap, $350 million, on the transfer of excess defense articles in a fiscal year. The existing ceiling, $250 million, has just too many loopholes in it.

Mr. Speaker, it is correct that this bill raises thresholds on arms notifications, for example, from $14 million to $25 million on arms sales. The last time thresholds were raised was 1981. So this change is basically in response to inflation.

According to the Department of Defense, this change in the past year would have resulted only in some four or five fewer notifications to Congress per year out of a few hundred, I might say, each year, and all of them to NATO countries.

The bill eliminates grants of international military education and training for wealthy countries. The bill gives the administration more flexibility in the use of limited assistance funds through increases in drawdown authorities and changes in the authorities on antinarcotics and antiterrorism assistance programs. For example, this bill will enable the President to use assistance funds to work with Israel on research and development efforts to combat terrorism.

Mr. Speaker, I also want to commend the chairman, Mr. GILMAN, and the administration, particularly the Navy, on the second part of the bill on naval ship transfers. The Navy has heard the message about the committee's opposition to large numbers of grant ships transfers. The bill before us returns to the traditional pattern of ship transfers. Eight ships in this package are sales, one is a lease, and one to Portugal is a grant. Portugal, of course, is a NATO ally since the beginning of NATO, has provided the United States access to facilities since the 1940's, and last year renewed that access agreement in the Azores.

This package also includes the sale of three 1970 vintage *Knox*-class frigates to Taiwan and the lease of one transport ship to Taiwan. This is part of our longstanding policy under the Taiwan Relations Act to provide defense articles to Taiwan. I strongly support these ship transfers.

Mr. Speaker, I strongly support the overall bill. I urge the adoption of H.R. 3121.

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

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from Indiana for his supporting remarks.

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

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Speaker, I thank the gentleman from California [Mr. LANTOS] very much for yielding the time.

Mr. Speaker, today we face an international drug problem. Few of us would deny this fact; fewer would stand by idly as the problem grows worse.

I rise in support of H.R. 3121, Technical Amendments to Foreign Assistance and Arms Export Control Acts. I wish to thank Chairman GILMAN and ranking member HAMILTON of the International Relations Committee for their dedicated effort to bring this bill to the floor. I wish to also thank them for adding, at my request, necessary exceptions for Panama to receive foreign military sales to combat the international drug problem.

Ambassador and former Congressman Bill Hughes recently alerted me of the importance for the Panamanian public forces to receive United States military assistance. This is not an attempt on our part to rebuild the Panamanian military, but merely an avenue through which we can halt illegal drug trafficking. Costa Rica, for example, is permitted such funding. We are discovering that when a country acquires the tools to fend off this addictive disease, the cure is always within reach.

I want to thank my colleagues for their support of this exception and this bill. It is another step toward continuing and escalating our war against drugs.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his concern about the war against drugs and for making certain that this waiver was inserted in the measure. We thank him for his support of the measure.

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

□ 1430

Mr. LANTOS. Mr. Speaker, I am delighted to yield 3 minutes to the gentlewoman from San Francisco, CA [Ms. PELOSI] my neighbor, friend, and distinguished colleague.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from California [Mr. LANTOS] for yielding this time to me and for his leadership on issues, international issues as well as others, that come before this House. I have great respect for the chair of the committee, the gentleman from New York [Mr. GILMAN], and our ranking member, the gentleman from Indiana [Mr. HAMILTON].

I rise today to express concern about a couple of the provisions of this legislation, H.R. 3121. I do not believe that the bill before us should be on suspension calendar because it covers a great deal of territory and with a minimal amount of debate and consideration on the floor.

My two concerns, one I share with many of my colleagues, is about the enhanced IMET to Indonesia for 1996–97 and my concern about arms control. I listened very attentively to the remarks of the ranking member, the gentleman from Indiana [Mr. HAMILTON], and appreciate the assurances he has given about the increased ceiling in terms of the weapons, the sale, amount of the weapon sales, and the increased discretion given to Congress to intervene in those sales, and I accept his explanation, and I look forward to getting more information that is contained in the bill.

But I would, for the record, like to express concern about the international military and education training for Indonesia for 1996 and 1997. Our colleagues have said that this legislation tracks the Committee on Foreign Operations legislation. Well, it does for 1996.

Many of us on the committee, and I serve on the Foreign Operations Subcommittee, do not think that Indonesia should be getting any IMET. We recognize that there are those who believe that this enhanced IMET for the purposes of fostering civilian control in the role of an army and a more democratic country, et cetera, I do not know if I have defined Indonesia that way, but nonetheless this IMET, enhanced IMET, could be useful. And in that spirit of cooperation we accepted the compromise proposed graciously by our chairman, the gentleman from Alabama [Mr. CALLAHAN], with the understanding that it was only for 1996 and the program would be carefully monitored. We accepted the compromise but remain convinced nonetheless that Indonesia should not receive IMET funds.

Now we see before us, in the bill before us, extending the IMET for 1997 despite the fact the record shows continuing serious human rights abuses by the armed forces in Indonesia that several of our colleagues referenced specifically in East Timor. We will continue the debate on this important issue as the Committee on Foreign Operations considers fiscal year 1997.

I mentioned my concerns about the arms sales and think there could be dangerous consequences, but, as I say, accept the explanation extended by the gentleman from Indiana [Mr. HAMILTON]. While the notification process may be considered cumbersome by some in the bureaucracy, congressional oversight helps insure that the taxpayer dollars are well spent.

Again, I am concerned the bill was placed on suspension calendar with little information to many Members. Passage of the bill does not reflect wholehearted support for some of the provisions it contains; I guess that is a rule of life around here. But I do want to very strongly convey to our chairman that this does not track the foreign ops bill for 1996–97. The foreign ops bill only gave enhanced IMET for 1996, and I hope that the gentleman would join with us in monitoring how that enhanced IMET funding is spent.

Mr. LANTOS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Oregon [Ms. FURSE].

(Ms. FURSE asked and was given permission to revise and extend her remarks.)

Ms. FURSE. Mr. Speaker I rise because of concerns I have to H.R. 3121, amending the Foreign Assistance Act and the Arms Export Control Act.

This bill moves us in the wrong direction. It unnecessarily costs the taxpayers more money and it moves us toward less accountability of arms transfers.

At a time when we are working so hard to balance the Federal budget, it does not make sense to do as this bill does. For the first time, it would require U.S. taxpayers to pay the costs of shipping the excess defense articles we're giving away to other countries.

In a world where our own soldiers are at risk from the very weapons exported by the United States, we should not be promoting increased exports in the ways that this bill does. This bill eliminates congressionally mandated language to ensure that foreign recipient countries use the equipment as intended. That includes, for example, the requirement that excess defense articles transferred for counternarcotics purposes be used primarily for counternarcotics purposes and not for counterinsurgency.

This bill strips Congress of its ability to gauge the human rights situation and to determine if the assistance is likely to be used in abuses. We must be more creative than that in determining ways for our Nation's workers to have jobs. We cannot come to rely on arms exports to such an extent that we ignore human rights.

This is a controversial bill, Mr. Speaker. I object to the process that was used in bringing it to the floor on the suspension calendar and I object to its content. I urge my colleagues to reject H.R. 3121.

Mr. LANTOS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Georgia [Ms. MCKINNEY].

(Ms. MCKINNEY asked and was given permission to revise and extend her remarks.)

Ms. MCKINNEY. Mr. Speaker, as a mother and a woman of conscience, I am concerned about U.S. transfers of arms around the world and the impact that those transfers will have 10–15 years down the road, particularly on my son and the other young people of America.

Mr. Speaker, I rise today to express concern about portions of H.R. 3121 that would reduce congressional oversight on arms sales to foreign countries.

Current law governing congressional oversight of arms sales is already feeble—this bill only makes a bad situation worse. On numerous occasions, our soldiers have been sent into war situations where they have had to face hostile forces armed with American supplied weapons.

I am sure everyone recalls Panama, Iraq, Somalia, and Haiti where our fighting men and women were sniped at and killed by weapons we supplied to those countries before they turned belligerent.

Mr. Speaker, while there are provisions in this bill which I strongly support—such as Narcotics control, refugee assistance, and POW/MIA recovery efforts—I cannot in good conscience allow this bill to breeze through this body without careful deliberation.

Every year, the weapons we sell overseas are used against innocent civilians, refugees, political dissidents, and, yes, American soldiers. As the legislative branch, we have the right and responsibility to oversee the transfer of weapons to foreign governments.

This does not mean we cannot supply our allies with the tools to defend themselves, it simply means that we should provide a sobering second thought when the administration is about approve the transfer of lethal American weapons into the hands of foreign governments.

This bill, Mr. Speaker, would increase the threshold at which Congress must be notified for arms sales, from $200 to $300 million. That means the administration would be able to sell $100 million more in guns overseas before Congress must be notified.

Moreover, the bill authorizes the resumption of international military and education training for the Government of Indonesia. Mr. Speaker, it is well known that Indonesia has an atrocious human rights record, especially with regards to the people of East Timor.

For those of my colleagues who aren't aware, the people of East Timor have been subjected to near-genocide, simply because of their opposition to the multinational mining interests who want to expropriate their minerals.

Mr. Speaker, measures such as these should not be dealt with so lightly under the suspension calendar, and Congress should not be so willing to hand over its limited oversight authority to the administration.

While I want to support the good measures in this bill Mr. Speaker, I am afraid that my conscience will not let me vote for a bill that will reduce congressional oversight with respect to the sale of weapons. Moreover, I cannot support a bill which will authorizes the use of American tax dollars to train the repressive military of Indonesia.

As a mother and as a woman of conscience, I urge my colleagues to oppose this regrettably tainted bill.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 6 minutes to the gentleman from Nebraska [Mr. BEREUTER], the distinguished chairman of our Subcommittee on Asia and the Pacific.

Mr. BEREUTER. Mr. Speaker, I thank the chairman for yielding me this time.

I would say to my colleagues, the gentleman from Massachusetts, the gentleman from Rhode Island, the gentlewoman from New York, and the gentlewoman from California, if it is not absolutely clear, we are not authorizing IMET for Indonesia. We are authorizing E-IMET, or extended IMET, and not, as one of the gentleman said, enhanced IMET. And, even ''extended IMET'' really does not convey what the program is, for it is quite different than the original IMET program. The Extended IMET program is the kind of program exactly designed to be used in a country like Indonesia where we do have some human rights concerns which are in part related to East Timor.

Now, let me say first of all that the enhanced IMET program, or E-IMET, is strongly supported by the administration. If you listen to CINCPAC sources, as people in the State Department, the Defense Department generally and other parts of the administration, it is clear that this administration, the previous administration, are supportive of extending the ''Enhanced IMET'' program to Indonesia. It moves us closer to a positive defense relationship with Indonesia, and, more importantly, it is specifically geared, as the gentleman from Indiana [Mr. HAMILTON] said, to dealing with a country that has human rights problems that trouble us a great deal. The E-IMET program is to foster greater respect for the principles of civilian control of the military. It is to improve military justice and military codes of conduct in accordance with internationally recognized human rights. It is to contribute to responsible defense resource management. It is to contribute to cooperation between the military and local police in the area of counternarcotics.

This is the full scope of the E-IMET program. It is very different than the IMET program, about which objections have been expressed here today.

Now, let me say that I, despite the fact that I believe that Indonesia is playing a very important role in Southeast Asia, that it is strategically located and is a country that has played the key, positive role in trying to resolve the Spratley Islands dispute in the waters off Southeast Asia, despite that, I would not be able to suggest to my colleagues that we ought to approve the traditional IMET authorization. But there is this to be said for what is happening in Indonesia:

There are substantial signs of greater judicial independence, there is NGO activism in the last 12 months, there is a human rights commission that has been established, primarily because of outside interests, the human rights community, and the United States of America. Human rights practices remain certainly imperfect, but the E-IMET program is specifically designed primarily to push Indonesia and other countries toward better human rights practices.

So I think that, in fact, our colleagues should feel very good about authorizing ''Enhanced IMET'' program for Indonesia. And by the way, it is

identical to the existing law in the foreign operations appropriation bill as well as the authorization bills passed by both the House and the Senate.

I understand a couple of my colleagues—the gentlewoman from Connecticut, the gentleman from Florida—might like to engage in a colloquy here. Is that correct?

Mr. Speaker, I yield to the gentleman from Florida if he wishes to engage in this discussion.

Mr. SHAW. Mr. Speaker, I had not intended to be in the debate on this particular issue until I heard the questions of what I consider to be tremendous exaggerations as to what is going on in East Timor. I had the privilege of visiting East Timor for several days just a few months ago, along with Congressman JOHNSON and the gentleman from Texas, Mr. ARCHER. We saw firsthand the fact that there are not these huge breaches of human rights, and we did not see these breaches of human rights as referred to.

As a matter of fact, one of our Members went and spoke to a Catholic priest, and, by the way, most of Indonesia is Muslim, this is mostly Catholic. As a matter of fact, there is the second largest statue of Jesus in the entire world being constructed—in process of being constructed—in East Timor.

I went to a Catholic priest who actually favored independence, but he verified the fact that the human rights record was certainly improving and that he did not see these tremendous violations of human rights.

Mr. BEREUTER. Mr. Speaker, I yield to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. I think it ought to be also in the record that the government of East Timor is a Timoran, well respected by the people of that island, and Indonesia has a way of sharing the benefits of mining and timber throughout the islands of Indonesia. So development money is coming in, and not only are they beginning to deal with the terrible economic problems of this island, but they are beginning also to deal constructively with the human rights issues.

Mr. BEREUTER. Mr. Speaker, I thank the gentlewoman.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Florida, the gentlewoman from Connecticut, the gentleman from Nebraska for straightening out some of the background on East Timor and the IMET Program.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. MANZULLO], a member of our committee.

(Mr. MANZULLO asked and was given permission to revise and extend his remarks.)

Mr. MANZULLO. Mr. Speaker, this is an interesting bill, and I rise in full support of it, H.R. 3132.

The last title, title 2, that appears on page 50, represents an incredible set of events that took place in our Committee on International Relations several months ago. I raised the concern several months ago, along with the gentleman from Kansas [Mr. BROWNBACK] that a request of an admiral would come before the committee on a relatively routine, in his mind, and in the past a routine, procedure of simply asking the House of Representatives to give away ships.

As I sat there and listened to the admiral talking about giving away these ships, it dawned on me—why is the United States in the business of giving away ships when, in fact, we can simply sell these or lease them, and at that point the particular bill was pulled. The people who were working on it decided that perhaps we should do something different, and as a result of that, there was a committee hearing held March 21, 1996, before the Committee on International Relations and this time this particular bill was before our committee, and that is to sell ships or to lease them to Egypt, Mexico, New Zealand, Portugal, Taiwan, and Thailand, and I asked the person from the Department of Defense, the fact that they are now requesting a sale or lease of the ships, is this in direct response to the inquiry that Mr. BROWNBACK and I had over our consternation that our country was giving away excess ships. And the answer by Mr. Caines was, ''Very much, sir.''

He said, ''We have understood what the committee and the Congress have said, and therefore you will see that in that package, which I believe includes a total of 10 ships, there is only one grant, sir. There are eight sales and one lease.''

This particular bill brings in revenues to the U.S. Government in excess of one-half billion dollars, and what this amounts to is that the U.S. Navy has now changed its policy so that henceforth any excess ships are not routinely given away, they are now sold or leased to our trading partners overseas.

This is a good bill. It is a revenue generator. It is going to make a lot of money for this country, and it is good, sound foreign policy.

So I would encourage my colleagues wholeheartedly to support the passage of H.R. 3132.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his supporting comments.

Mr. Speaker, I believe that this has been a good, sound debate on the bill. I am pleased that many of our colleagues have had an opportunity to participate. I thank the gentleman from California [Mr. LANTOS] for his supporting remarks.

This bill does make important changes in defense and security assistance authorities, and I am calling on my colleagues to support the measure.

Mr. REED. Mr. Speaker, I recognize the importance of the issues that the House of Representatives is addressing today as it considers H.R. 3121.

However, I must object to certain provisions of H.R. 3121 and the manner in which it has been brought before the House. This measure authorizes enhanced International Military and Education Training [IMET] for Indonesia, which is committing flagrant human rights abuses against the people of East Timor.

More than 20 years ago, Indonesian troops invaded the small country of East Timor, beginning a storm of violent occupation and repression that continues today. I believe that we must stand with the East Timorese against these unconscionable acts, and I am concerned that by providing enhanced IMET to Indonesia, we may send a dangerous message to the leaders of that nation.

In addition, by bringing H.R. 3121 to the floor under suspension of the rules, we will not have a full and open debate on IMET and Indonesia's aggression against the East Timorese. The suspension calendar should be reserved for non-controversial legislation. In my opinion, H.R. 3121 does not meet this test.

I regret that this afternoon, the House is not giving these issues the attention they deserve. In the months to come, I will continue to work to assist the long-suffering people of East Timor, and I urge my colleagues to join me in this effort.

Mr. HALL of Ohio. Mr. Speaker, while I support the majority of the provisions in H.R. 3121, which makes various technical amendments to the Foreign Assistance Act and the Arms Export Control Act, I strongly oppose the section which authorizes the resumption of International Military and Education Training [IMET] funds for Indonesia.

I have been protesting the human rights abuses in East Timor for some time now. Last December marked the 20th anniversary of Indonesian invasion of East Timor. Recently, the situation on the ground there has been getting worse not better. It is sobering to reflect that over the last 20 years at least 100,000 and perhaps more than 200,000 people have been killed out of a population of less than 700,000. While the vast majority of these deaths took place before 1980, harsh repression continues. The world witnessed this first hand when the 1991 Santa Cruz massacre in which the Indonesian military killed over 200 unarmed individuals was recorded by journalists.

Congress banned IMET funding for Indonesia to protest human rights abuses in East Timor. The situation has not improved and the U.S. Congress should not change this policy. It is my hope that we can prevent the funding of IMET for Indonesia in the appropriations process.

☐ 1445

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

The SPEAKER pro tempore (Mr. CAMP). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and pass the bill, H.R. 3121, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. 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. 3121, the bill just passed.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules. Pursuant to the provisions of clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 2337, de novo; and House Resolution 316, by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second electronic vote after the first such vote in this series.

TAXPAYER BILL OF RIGHTS II

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2337, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Connecticut [Mrs. JOHNSON] that the House suspend the rules and pass the bill, H.R. 2337, as amended.

The question was taken.

Mrs. JOHNSON of Connecticut, Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic devise, and there were—yeas 425, nays 0, not voting 7, as follows:

[Roll No. 119]

YEAS—425

Abercrombie	Bishop	Canady	Cramer	Hilleary	Molinari	Studds	Towns	Weldon (PA)
Ackerman	Bliley	Cardin	Crane	Hilliard	Mollohan	Stump	Traficant	Weller
Allard	Blute	Castle	Crapo	Hinchey	Montgomery	Stupak	Upton	White
Andrews	Boehlert	Chabot	Cremeans	Hobson	Moorhead	Talent	Velazquez	Whitfield
Archer	Boehner	Chambliss	Cubin	Hoekstra	Moran	Tanner	Vento	Wicker
Armey	Bonilla	Chapman	Cunningham	Hoke	Morella	Tate	Visclosky	Williams
Bachus	Bonior	Chenoweth	Danner	Holden	Murtha	Tauzin	Volkmer	Wise
Baesler	Bono	Christensen	Davis	Horn	Myers	Taylor (MS)	Vucanovich	Wolf
Baker (CA)	Borski	Chrysler	de la Garza	Hostettler	Myrick	Taylor (NC)	Walker	Woolsey
Baker (LA)	Boucher	Clay	Deal	Houghton	Nadler	Tejeda	Walsh	Wynn
Baldacci	Brewster	Clayton	DeFazio	Hoyer	Neal	Thomas	Wamp	Yates
Ballenger	Browder	Clement	DeLauro	Hutchinson	Nethercutt	Thompson	Ward	Young (AK)
Barcia	Brown (CA)	Clinger	DeLay	Hyde	Neumann	Thornberry	Waters	Young (FL)
Barr	Brown (FL)	Clyburn	Dellums	Inglis	Ney	Thornton	Watt (NC)	Zeliff
Barrett (NE)	Brown (OH)	Coble	Deutsch	Istook	Norwood	Thurman	Watts (OK)	Zimmer
Barrett (WI)	Brownback	Coburn	Diaz-Balart	Jackson (IL)	Nussle	Torkildsen	Waxman	
Bartlett	Bryant (TN)	Coleman	Dickey	Jackson-Lee (TX)	Oberstar	Torricelli	Weldon (FL)	
Barton	Bryant (TX)	Collins (GA)	Dicks	Jacobs	Obey			
Bass	Bunn	Collins (IL)	Dingell	Jefferson	Olver			
Bateman	Bunning	Collins (MI)	Dixon	Johnson (CT)	Ortiz			
Beilenson	Burr	Combest	Doggett	Johnson (SD)	Orton			
Bentsen	Burton	Condit	Dooley	Johnson, E. B.	Owens			
Bereuter	Buyer	Conyers	Doolittle	Johnson, Sam	Oxley			
Berman	Callahan	Cooley	Dornan	Johnston	Packard			
Bevill	Calvert	Costello	Doyle	Jones	Pallone			
Bilbray	Camp	Cox	Dreier	Kanjorski	Parker			
Bilirakis	Campbell	Coyne	Duncan	Kaptur	Pastor			
			Dunn	Kasich	Paxon			
			Durbin	Kelly	Payne (NJ)			
			Edwards	Kennedy (MA)	Payne (VA)			
			Ehlers	Kennedy (RI)	Pelosi			
			Ehrlich	Kennelly	Peterson (FL)			
			Emerson	Kildee	Peterson (MN)			
			Engel	Kim	Petri			
			English	King	Pickett			
			Ensign	Kingston	Pombo			
			Eshoo	Kleczka	Pomeroy			
			Evans	Klink	Porter			
			Everett	Klug	Portman			
			Ewing	Knollenberg	Poshard			
			Farr	Kolbe	Pryce			
			Fattah	LaFalce	Quillen			
			Fawell	LaHood	Quinn			
			Fazio	Lantos	Radanovich			
			Fields (LA)	Largent	Rahall			
			Fields (TX)	Latham	Ramstad			
			Filner	LaTourette	Rangel			
			Flake	Laughlin	Reed			
			Flanagan	Lazio	Regula			
			Foglietta	Leach	Riggs			
			Foley	Levin	Rivers			
			Forbes	Lewis (CA)	Roberts			
			Ford	Lewis (GA)	Roemer			
			Fowler	Lewis (KY)	Rogers			
			Fox	Lightfoot	Rohrabacher			
			Frank (MA)	Lincoln	Ros-Lehtinen			
			Franks (CT)	Linder	Rose			
			Franks (NJ)	Lipinski	Roth			
			Frelinghuysen	Livingston	Roukema			
			Frisa	LoBiondo	Roybal-Allard			
			Frost	Lofgren	Royce			
			Funderburk	Longley	Rush			
			Furse	Lowey	Sabo			
			Gallegly	Lucas	Salmon			
			Ganske	Luther	Sanders			
			Gejdenson	Maloney	Sanford			
			Gekas	Manton	Sawyer			
			Gephardt	Manzullo	Saxton			
			Geren	Markey	Scarborough			
			Gibbons	Martinez	Schaefer			
			Gilchrest	Martini	Schiff			
			Gillmor	Mascara	Schroeder			
			Gilman	Matsui	Schumer			
			Gonzalez	McCarthy	Scott			
			Goodlatte	McCollum	Seastrand			
			Goodling	McCrery	Sensenbrenner			
			Gordon	McDade	Serrano			
			Goss	McDermott	Shadegg			
			Graham	McHale	Shaw			
			Green (TX)	McHugh	Shays			
			Greene (UT)	McInnis	Shuster			
			Greenwood	McIntosh	Sisisky			
			Gunderson	McKeon	Skaggs			
			Gutknecht	McKinney	Skeen			
			Hall (OH)	McNulty	Skelton			
			Hall (TX)	Meehan	Slaughter			
			Hamilton	Meek	Smith (MI)			
			Hancock	Menendez	Smith (NJ)			
			Hansen	Metcalf	Smith (TX)			
			Harman	Meyers	Smith (WA)			
			Hastert	Mica	Solomon			
			Hastings (FL)	Millender-McDonald	Souder			
			Hastings (WA)	Miller (CA)	Spence			
			Hayes	Miller (FL)	Spratt			
			Hayworth	Minge	Stark			
			Hefley	Mink	Stearns			
			Hefner	Moakley	Stenholm			
			Heineman	Mollohan	Stockman			
			Herger	Montgomery	Stokes			

NOT VOTING—7

Becerra	Richardson	Wilson
Gutierrez	Tiahrt	
Hunter	Torres	

☐ 1507

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CAMP). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair had postponed further proceedings.

DEPLORING INDIVIDUALS WHO DENY HISTORICAL REALITY OF HOLOCAUST AND COMMENDING ONGOING WORK OF UNITED STATES HOLOCAUST MEMORIAL MUSEUM

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 316.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada [Mr. ENSIGN] that the House suspend the rules and agree to the resolution, House Resolution 316, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 12, as follows:

[Roll No. 120]

YEAS—420

Abercrombie	Barr	Bilirakis
Ackerman	Barrett (NE)	Bishop
Allard	Barrett (WI)	Bliley
Andrews	Bartlett	Blute
Archer	Barton	Boehlert
Armey	Bass	Boehner
Bachus	Bateman	Bonilla
Baesler	Beilenson	Bonior
Baker (CA)	Bentsen	Bono
Baker (LA)	Bereuter	Borski
Baldacci	Berman	Boucher
Ballenger	Bevill	Browder
Barcia	Bilbray	Brown (CA)

Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Rose
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Torkildsen
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Becerra
Brewster
Gutierrez
Horn
Hunter
Myers
Richardson
Ros-Lehtinen
Roth
Tiahrt
Torres
Wilson

□ 1514

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1972

Mr. QUINN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1972.

The SPEAKER pro tempore (Mr. COBLE). Is there objection to the request of the gentleman from New York?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1963

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that my name be removed from H.R. 1963, the Postmark Prompt Payment Act.

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

There was no objection.

A TRIBUTE TO SOPHIE REUTHER

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

Mr. TORRES. Mr. Speaker, I rise today to honor and pay tribute to a great American woman, Sophie Reuther, who passed away on February 20 of this year. This past Saturday, approximately 150 people, friends and family, gathered at the Reuther home to celebrate the life and lessons of this remarkable woman. Trade unionists from afar, from California, from Ohio, from Minnesota, from Michigan, from New England, from Canada, gathered to retell stories about Sophie's life, her hopes, her aspirations. She was a full partner with her husband Victor as they struggled for social and economic justice for workers in America and throughout the world. They were the true pioneers in the organization of the United Auto Workers of America.

Mr. Speaker, there are not enough words for me to tell about Sophie Reuther, who I had the privilege to know. I therefore ask my colleagues to read about her legacy in a New York Times obituary.

Mr. Speaker, I include this article for the RECORD, as follows:

[From the New York Times, Feb. 23, 1996]

SOPHIE REUTHER, A SOCIAL AND LABOR ACTIVIST, IS DEAD AT 82

(By Robert McG. Thomas Jr.)

Sophie Reuther, a social activist who captured the head of the United Auto Workers' co-founder, Victor Reuther, and then proved her mettle as a union organizer during the violent labor wars of the 1930's, died on Tuesday at a hospice near her winter home in Ft. Myers, Fla. She was 82 and had been Mr. Reuther's full partner in labor and in life for 59 years.

When they met in December 1935 at the Brookwood Labor College in Katonah, N.Y., where she was a student and he a visiting lecturer, Mr. Reuther was a dashing labor figure who had spent three years traveling around the world with his older brother, Walter, and had helped him found the U.A.W. earlier that year.

''I think she was impressed,'' her husband said yesterday, acknowledging that the feeling was more than mutual. She may not have had his credentials as a union founder, but as the daughter of Polish refugees who died when she was 15, Sophia Goodlavish, or Sophie Good, as she was known, had already made a mark for herself in labor circles.

A native of Middleboro, Mass., she had her first taste of organizing while working at a shoe factory and had later so distinguished herself in raising money for unionized workers during a shipyard strike that Norman Thomas, the Socialist leader, had recommended her for a scholarship to the labor college.

''She was a very prim young woman with a fund of social idealism,'' Mr. Reuther said, offering a courtly labor man's declaration of what he acknowledged was love at first sight.

Mr. Reuther, who had been profoundly lonely since his brother's recent marriage, said he was so afraid he would never see her again after her short term ended that he proposed.

She accepted, and six months after their marriage in July 1936, Mrs. Reuther, using the name Good to hide her connections to a high union official, was sent by the U.A.W. to Anderson, Ind., to help bolster support for a strike at a General motors plant.

At one point, Mr. Reuther said, while he was on his way to Anderson, his wife had to jump out a second-story window to escape an armed band of Ku Klux Klansmen who stormed the union headquarters at the urging of management officials.

''She went underground and it took me three days to find her,'' he said. Before the year was out, he and she along with his brother Roy, were purged during an intra-union fight that lasted until the Reuther faction regained power two years later.

Walter Reuther, who remained in office during the purge, also remained a marked man.

In April 1938 two gun-wielding anti-union thugs forced their way into Sophie Reuther's 25th birthday party at Walter Reuther's Detroit apartment (a delivery of Chinese food had been expected) and began pistol whipping her brother-in-law until a guest scrambled out a second-story window and began shouting for the police.

When the police, widely assumed to be in the pay of the auto makers, began a perfunctory investigation and asked Mrs. Reuther to describe the thugs, she did not miss a beat. ''They looked very much like you,'' she said.

In 1951, after an attempt on Mr. Reuther's life, the family including three children, moved to Paris, where he spent three years as the Congress of Industrial Organization's European director.

They moved to Washington in 1954, when Walter Reuther took over as U.A.W. president and Victor became his special assistant and director of international affairs.

Although Mrs. Reuther held no official union position after 1937, she remained very much a union woman, so much so that when her husband, who she believed had been neglecting his domestic duties, returned from one of his frequent trips he found a list of her demands written large in rug shampoo on the living room carpet.

Known as a women who recognized no limitation on what she could do, Mrs. Reuther obtained a fine arts degree from George Washington University at the age of 55 in 1968 and was a Robert F. Kennedy delegate to the Democratic National Convention that year.

It was during an official union visit to India that year that Mrs. Reuther left her husband with the enduring image of her humanity. At a mine near Calcutta, he recalled, a miner's widow, an untouchable, approached his wife, bent down and kissed her shoe.

Then, in a breach of caste protocol, ''my Sophie reached down and lifted the women up and embraced her.'' Mr. Reuther recalled. ''The women were shocked. The men were shocked.''

''That was my Shopie,'' he said. ''She felt a kinship with the suffering of all people.''

In addition to her husband, Mrs. Reuther is survived by a daughter, Carole Hill of Cowden, Ill.; two sons, Eric, of Washington, and John, of Moscow; a brother, Edward Bezuska of Warren, Mich, and six grandchildren.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

[Mr. RIGGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

[Ms. JACKSON-LEE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

GETTING GOVERNMENT OFF THE BACKS OF AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. FOLEY] is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I certainly appreciate the opportunity, and we are glad to be back in our Nation's Capital, and obviously it is tax week. April 15 has come and gone, and the American public has obviously hopefully filled out all of their appropriate papers. But it gives us cause to look at Government and talk about how we are trying to make a difference here in Washington, trying to get Government to look at itself and reflect on what its true mission is, to look at all levels of spending, to look at all that we do in trying to determine what is the most appropriate role for the Federal Government, what would be best reserved for the States, what would we expect from our leaders.

I am particularly pleased that the National Taxpayers Union released its report on Congress. The National Taxpayers Union released its ratings from the 1995 session of Congress, the first of the 104th. I was proud to note 78 Members of this body scored an A rating. I was particularly delighted in the fact that 33 Members of the freshman class were A rated this year.

In their release, the National Taxpayers Union suggested that Members did not only talk about reduction of spending in their districts, they emphasized it here on the floor of this Chamber. They showed by their deeds and by their actions their commitment to reducing the size and scope of Federal Government.

Yes, we need to make priorities. Yes, we need to seek the direction that this Nation hopes to accomplish. But, by these ratings, we have clearly indicated, at least this Member personally, that we are prepared to make the tough votes, to bring us in balance in our Nation.

We are spending in excess of $200 billion a year that we do not have. We have a $5 trillion national debt. It is costing us $300 billion in interest payments on the debt alone to service that debt. Even in the year 2002 when we fully balance the treasury and we do not have more going out than we have coming in, we will still have in excess at that point of $6 trillion in debt.

Now, when you are spending $300 billion alone this fiscal year on interest payments, no principle reduction, you are clearly spending that $200 billion, and you are spending in excess $100 billion further in reducing the debt. Without that $300 billion you would have a surplus revenue to the treasury of over $100 billion.

So part of the significant concern is reducing the debt, ratcheting it down, much like an individual does on a 30-year mortgage. They start paying down the debt, small incremental principle reductions, in order to bring down that devastating debt burden on our Nation.

If the Members would think of $300 billion of free flow cash that could be used to enhance programs, actually you would have $100 billion, but you take that toward education, pre-K programs, Head Start, things vitally important to getting our Nation's youth up and running so they enter first grade with reading and writing skills, basic skills, in order to become productive.

I talked a little bit about what we tried to do in the crime areas in this Nation. It is time we stop coddling the criminals. I was entirely depressed the other day when I read the story about the gentleman from Texas who had committed sexual offenses against minors, who was being released from prison, and readily acknowledged that he would commit the crimes again. In our society we suggest that he be released and we put a monitoring bracelet on him.

Here is a man that indicates he is going to perpetrate crimes against children, he may kill his next victim, and our Nation releases him. The penal system in Texas releases him because they claim they cannot hold him any longer. The mere utterance of the fact that he threatened bodily injury on another human being I think should have proven beyond a reasonable doubt that he should have been held in custody.

If we are going to get tough on crime, we are having to get tough on sentences like this, where they are releasing perpetrators of serious felonies against children out into our society. We are not going to prove to the young people of America that crime does not pay, if in fact they witness daily people being released by judges, released by prisons, serving half the time allocated by the judge, serving 25 percent of the allocable time.

We tried to mandate we will not provide prison funds for States if they do not require serving 80 percent of sentences. We come up with gimmicks like ''three strikes and you're out.'' What is wrong with the first strike? Why do we need baseball metaphors to feel safe in our homes? Why not put them away the first time.

When kids bring knives and guns to school, do not suspend them from campus. Do not send them home into the communities with guns and knives so they can rob homes while we are working. Put them in a boot camp. No marine wants to go back to basic training. Once they have completed it, they never want to return to basic training.

The same could be held for our young juvenile offenders. If in fact they commit these types of crimes, put them in a boot camp and make them serve a sentence so they will not commit a crime again or will think twice about it.

We can make a difference in America in this Congress. We can get tougher on criminals. We can balance the budget and save the Nation from fiscal collapse. But we must act now in the week of IRS' big gulp. Let us get the taxes reduced and Government off our backs.

TRIBUTE TO THE LATE THOMAS JAMES PETTEWAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. FRANKS] is recognized for 5 minutes.

Mr. FRANKS of Connecticut. Mr. Speaker, Thomas James Petteway was a civic leader who was needed at his time, but he was also a civic leader who was truly ahead of his time. And for all of us who knew and loved him, Tom will be missed by us all the time.

For his sisters and brothers, in-laws, nieces, and nephews and the many cousins, especially those that make up the branch of the Petteway family, now led by my mother Jenary Petteway Franks, we all loved Tom Petteway.

But Tom was easy to love. Family came first with Tom, And he loved his family.

He as a likable person. He was a good, decent individual.

Anything Tom Petteway did, he did it well, And he did a lot. He served his country in the Army during WWII with distinction. He later presided over an area veterans club. He was an active member of the community.

Tom was an active member of the Republican Party. Back when Tom registered to vote most blacks registered with the Republican Party. Unlike many, Tom stayed with the Republican Party over the years.

I remember white old timers in the Republican Party telling me stories about Tom Petteway.

I remember blacks, like Kay Wyrick, telling me about the Black Republican Club in which Tom headed at one time.

Whites and blacks talked of Tom with sincere affection and admiration. But who could not remember his distinctive voice. Tom was a proud, articulate, well-educated man whose mere presence was felt by all whenever he appeared in a room.

Tom served the city of Waterbury in an official capacity as a member of the Welfare Board.

He served as president of the Waterbury Chapter of the NAACP during one of the most contentious civil rights periods.

Without any doubt Tom Petteway distinguished himself as one of Waterbury's leading black civic leaders.

Tom Petteway was a pioneer. Tom Petteway was ahead of his time.

It was easier for my generation of black leaders because of people like Tom Petteway.

That is why people from my generation need to pause and thank people like Tom Petteway for blazing the trail for us.

And, I do that again today.

When I was starting out in Republican politics back in the early eighties, it seemed as though Tom was always at the big events.

He offered me a great deal of encouragement and he also gave me little tips from time to time, like for example: He said you may go to a meeting but what you may not realize is that there may have been a meeting before the real meeting in which you were not invited.

It was not long before I too found that to be true.

When the big Republican events turned out to be events for me, Tom was always there to offer his support. He was not feeling well all the time but he was always there.

As a Congressman I frequently made it my point to stop by the West Haven Veterans Hospital to see my cousin Tom. And, he was well known there too.

Tom Petteway was a leader in this time. Tom Petteway was ahead of his time.

But for those who knew Tom, we are grateful that he lived during our time.

☐ 1530

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. GEPHARDT] is recognized for 5 minutes.

[Mr. GEPHARDT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

REMEMBERING SECRETARY RON BROWN AND THOSE WHO PERISHED WITH HIM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, I rise today to remember still, as we are all still feeling, those who were on the plane with Secretary Ron Brown. It was a loss that this country feels now and is going to feel for quite a long time.

In West Virginia we feel this deeply, the lose of the Government personnel, the military personnel, the private sector personnel. In addition to Secretary Brown we lost William Morton of Huntington who was buried Saturday in Huntington, who was long time involved in so many things that made this country great: political campaigns and working with Secretary Brown in a number of capacities.

He grew up and graduated, went to Huntington High School and went on to make his mark in so many different areas. I give thanks for his life and that of Ron Brown's. With Secretary Brown he was a man of composure, a man of pragmatism, a man of obvious intelligence, and a compassionate man.

So many stories that each of us has about Secretary Ron Brown. I remember one. He visited Martinsburg, WV, at my request somewhere around 2 years ago. We had a celebration, he was kicking off a compressed natural gas vehicle caravan. We had bands out there, and there were two little children that were making presentations.

I still remember that Secretary Brown was there surrounded, by Members of Congress and the State leadership and the city leadership and the county leadership, and everybody's in a suit looking very official, and these two little girls. One of the little girls was making a presentation in the microphone, and of course she was dressed in her Sunday best, and she was a little awed by all of this and she had trouble with a couple of her words. Secretary Brown nodded very patiently, went over and leaned over and said take your time. Just take your time. She smiled and finished like a champ.

Secretary Brown was, we liked to kid him, he was a property owner in West Virginia owning property in the Canaan Valley. But I think what he will be remembered for, so much he will be remembered because more people are working today in this country because of Ron Brown. There are more opportunities for people today in this country because of Ron Brown. There are more jobs that have been created in this country today because of Ron Brown. There are more trade opportunities here and abroad because of Ron Brown.

The Commerce Department, which has been a traditional backwater for many years, is a thriving vibrant department today because of Ron Brown. In so many areas we see his hand and we are going to miss that guiding hand.

The testimony of Ron Brown, well, there are so many testimonies, but I know one. As well as being a member of the Democratic Party, he is the one who put us back on track. He took a demoralized party and turned it, in just a few short years, to one that won the Presidency for the first time in 12 years. A tribute to Ron Brown is how many of us, how many people who came in contact with him called him friend.

I was at a meeting in Missouri this week, Republicans and Democrats alike, as well as foreign parliamentarians, and Ron Brown's name came up. And all of us stopped and every one of us had a story to tell about Ron Brown. Every one of us wanted to tell that story. Every one of us knew him as friends. Ron Brown was our friend. He was a friend of America's and we miss him. We miss him, very, very much.

THE RICKY RAY HEMOPHILIA RELIEF FUND ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, a majority of the House now agrees that we should provide compassionate assistance to the 8,000 victims of hemophilia-associated aids. The Ricky Ray Hemophilia Relief Fund Act—which establishes a compensation program for the victims of this tragedy—now carries 219 bi-partisan cosponsors. I introduced the Ricky Ray Bill—which is named for a constituent who was 15 when he died of hemophilia-associated Aids in 1992. We started with two dozen sponsors.

But each week for the past year the support for this measure has grown thanks to the awesome grassroots participation of the victims of hemophilia-

associated Aids, their families and their friends. These folks have put aside their differences, rallied together and learned to use the legislative process to further their goals. I am extremely proud of their work and pledge to redouble my efforts to make sure this bill gets heard during this Congress.

Hemophilia is an inherited blood-clotting disorder causing serious internal bleeding episodes that, if left untreated, can lead to disfigurement and even death. To help control and prevent such bleeding, hemophiliacs rely on blood-products, which are manufactured and sold by pharmaceutical companies. Because these products are made from the pooled blood of thousands of people, the potential for infection with blood-borne disease among those who use them is very high, something that has been well-known for decades. In fact, since the 1970's, the hemophilia community has grappled with the serious consequences of hepatitis, a debilitating chronic illness. But in the early 1980's, a much more deadly villain struck, as nearly one-half of all people with hemophilia in the United States became infected with the virus that causes aids. Today they are dying at a rate of about one each day.

Mr. Speaker, we have long argued that the Federal Government shares responsibility for this devastating situation, because it failed to respond to the early warning signs that Aids was transmissible by blood and blood products. During the early years of Aids, repeated opportunities to reduce the likelihood of contaminated blood entering the supply of blood products were missed.

This conclusion was supported by a 2-year study, conducted by a distinguished panel at the institute of medicine. In a report entitled ''HIV and the blood supply,'' the IOM panel concluded that the Federal agencies missed opportunities to protect the public health because they consistently chose the least aggressive response to the early warning signs. The report concluded that the system—which was charged with protecting the blood supply, ensuring the safety of manufactured blood products, and informing the public of risks—failed to deal with the relatively well-known problem of hepatitis and was therefore unprepared to confront the crisis of Aids. Mr. Speaker, the premise behind the Ricky Ray bill is that the Government has a unique responsibility for regulating the safety of blood products, based on a Federal blood policy and several major statutes that establish the regulatory framework for blood.

Members should also understand that the legal system classifies blood products in a unique way. Even though they are commercially marketed and sold, blood products enjoy special status under the so-called ''blood shield'' laws of every State, which protect against product liability lawsuits.

Given these facts, we have concluded that Government has a unique obligation to assist the victims and so the Ricky Ray bill authorizes the creation of a trust fund, administered by the Attorney General, to provide $125,000 in assistance to each victim who meets strict eligibility criteria.

The trust fund would sunset after 5 years, would be capped at $1 billion and would be subject to funding through annual appropriations.

Mr. Speaker, the United States has yet to set up an assistance program, even though more than 20 other nations have done so. Just last month the Government of Japan and five drug companies—including several American firms—agreed to provide the equivalent of $430,000 to each of the estimated 1,800 victims in Japan, with the government paying 44 percent and the companies paying 56 percent.

It is time the United States took its share of responsibility for what happened to 8,000 American hemophiliacs during the 1980's. Please join the majority of bipartisan support of the Ricky Ray Hemophilia Relief Fund Act.

SEEKING AN HONEST DEBATE ON THE ISSUES WITH REGARD TO BILINGUAL EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, today I would like to respond to assertions that English-only proponents are making about bilingual education in their efforts to advance their cause.

Yesterday a Member came to this floor to praise Mr. Thomas Doluisio, for his fight against bilingual education. The Member went on to say that the National Association of Bilingual Education officially condemned Mr. Doluisio at their 1994 convention. This information, taken from a Wall Street Journal editorial by John Miller of the Heritage Foundation and Center for Equal Opportunity, is not accurate. The National Association of Bilingual Education has never condemned any individual officially or otherwise, including Mr. Doluisio. His story may have been discussed among bilingual educators, but this is a far cry from official condemnation by a respected national organization. I am informed that a letter was sent by the National Association of Bilingual Education refuting the Wall Street Journal article.

There have been other statements made by English-only proponents that I take issue with. One of the statements continuously used by English-only advocates is that bilingual education costs the taxpayers $8–$12 billion a year. This figure is inaccurate and is an exaggeration of the costs of educating bilingual children. The $8–$12 billion is the total cost of education for children who are limited English proficient, not just students being taught in bilingual programs. Furthermore, it multiplies the total cost of educating these children not just the marginal cost of bilingual education. If we wanted to save $8–$12 billion, we'd have to kick these 2.3 million kids out of school entirely!

In fact, the Institute for Research in English Acquisition and Development Journal, funded by U.S. English, an English-only advocacy group, has now come forth and stated that the $8–$12 billion figure is misleading. The true cost of bilingual education is the additional funds necessary to shift from a monolingual English program to a bilingual program. The total Federal expenditure for bilingual education is $156 million not $8–$12 billion.

This week the other body will debate the Immigration Control and Financial Responsibility Act. During that debate, an amendment to include an English-only requirement will be offered. It is clear from this maneuver that proponents would rather dodge a floor clear from this maneuver that proponents would rather dodge a floor debate on a separate English-only bill. The administration has recently announced its support of the Senate immigration bill, but if English-only language is included members of Clinton's cabinet are certain to recommend a veto.

I am not pointing these things out in an effort to discredit those who are not being totally honest in their arguments. What we seek is an honest debate on the issues, not a war of anecdotes and imaginative mathematics. Let's stick to the facts and keep fiction out of this debate.

☐ 1545

I dare say that I am probably the only Member of this institution who has been a bilingual education professional, and if anyone in the House wants to understand bilingual education at its very basic and grassroots levels, I stand open to be contacted.

PERSONAL EXPLANATION

Mr. FLAKE. Mr. Speaker, last night I missed rollcall No. 117. Had I been present, I would have voted ''nay'' on it.

D.C. EMANCIPATION COMMEMORATION SPEECH

The SPEAKER pro tempore (Mr. COBLE). Under a previous order of the House, the gentleman from Illinois [Mr. MANZULLO] is recognized for 5 minutes.

Mr. MANZULLO. Mr. Speaker, today commemorates one of the most significant events that has ever taken place in the history of this great country. One hundred thirty-four years ago today Congress emancipated over 3,000 slaves owned by residents of the District of Columbia. This city's slaves were the first to be freed in our country—9 months before President Abraham Lincoln's Emancipation Proclamation took effect on January 1, 1863.

Sometime in the early 1860's, while this Nation was embroiled in a civil war, a conversation took place between Senator Charles Sumner of Massachusetts and President Abraham Lincoln. Sumner asked the President, ''Mr. President, do you realize who is the largest slaveholder in the United States?'' The President had to think, and the Senator said, ''It is you, Mr. President.''

At the time there were over 3,000 slaves in the District of Columbia who were stuck in slavery and bondage and could be freed by an act of Congress. That conversation began a monumental epic in the history of this country. Within a short period, the House of Representatives and the Senate passed legislation, and on April 16, 1862 President Lincoln signed the D.C. Emancipation Proclamation.

Mr. Speaker, let me read to you from a history of the Nation's Capital written by M. Bryant in 1960 that explains the significance of the D.C. Emancipation Proclamation. He said:

> The proclamation brought to a close an issue about which the anti-slavery Congress had raged for years. As well as placed on the statute books the preliminary measure of what proved to be national policy that would not merely destroy the chains from the slaves, but raise them to civil and political equality.

That was done with an act of Congress.

The Congress could not really set free the slaves in the District of Columbia though. What Congress did was to recognize what God intended from the beginning: that all men are created equal, and all men are created free. All Congress could do was to recognize that which God had intended.

Abraham Lincoln affixed his signature to that great document. That began the pealing of bells in the District of Columbia. The pealing of the bells said the Nation's Capital shall no longer be a stronghold for slavery.

Here are the words of the document that was the precursor of the Emancipation Proclamation:

> Be it enacted by the Senate and the House of Representatives of the United States of America, in Congress assembled, that all persons held to service or labor within the District of Columbia by reason of African descent are hereby discharged and freed of all claims of service of labor. From and after passage of this Act, neither slavery or voluntary servitude shall hereafter exist in said district.

Those were the words.

Nine months later he did something else quite significant. Spurred on by Congress to set the slaves free in the District of Columbia, President Lincoln, by Executive proclamation, issued the Emancipation Proclamation. Two years ago, I took to the Library of Congress my family and Loretta Carter Hanes—the wonderful lady who, along with her son, Peter, has revived the D.C. Emancipation Commemoration ceremony in this city. There, we read the words of one of the original drafts of the Emancipation Proclamation. It was an extremely moving event. Reading these words, Loretta's knees buckled and she turned to me and said: ''I have to sit down because of the majesty of seeing one of the original drafts penned by Abraham Lincoln.''

This is one of the few documents Lincoln signed with his full first name, ''Abraham''. Lincoln did this because he wanted these two documents, the two Emancipation Proclamations, to be among the most remembered and revered of everything that he signed into law as a President. Listen to these words:

> That on the first day of January, in the year of our Lord, 1863, all persons held as slaves within any State or designated part of a State, the people whereof shall then be remanded as the United States, shall be thenceforward and forever free.

REPUBLICANS CARE ABOUT THE ENVIRONMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Mr. Speaker and my colleagues, I took to the floor earlier today in response to charges from the other side.

With Earth Day coming up, the other side is bashing Republicans. Republicans are going to hurt the environment. They send an incorrect message to the American people. Let me take, if I may, a few minutes and set the record straight.

First of all, probably most of the Members and the young people who have come here to serve in Congress do not realize, Mr. Speaker, that in fact the Environmental Protection Agency is a Republican idea. It was started and proposed by President Nixon in 1972. But the idea was not to create a huge bureaucracy. The idea was to set some national standards, because Republicans want clean air. Republicans want clean water. Republicans want clean land. We have children. We breathe the air. We drink the water. We want our children to inherent a land that is environmentally protected and clean and secure.

So it is a Republican idea that we are talking about. But the idea was not to pay more and get less. In fact, the Republican idea was to set some national standards of regulation. But let us look at what has happened. Just take a minute and look at this. Since today, we have 18,000 Federal bureaucrats in the Environmental Protection Agency, not to mention thousands of contract employees, and their job is to pump out rules.

You think they might be in my State of Florida, but in fact they are scattered throughout 10 regional offices and 1,000 at a clip there. Then here in Washington, DC, we have 6,000 EPA employees within almost speaking distance of my voice.

Mr. Speaker, we have 6,000 EPA Federal bureaucrats who, again, their responsibility is to pump out more rules and regulations and justify their bureaucracy and their rulemaking ability. So we have seen that bureaucracy grow. In 1972, we did not have 47 of the 50 States that have full-blown environmental protection agencies. Almost every city, every county, every State has full-blown authorities.

Let us look at the programs that they talk about, the gentleman from New Jersey came back and talked about. Do these programs work? Are we making polluters pay? Look at this headline from 1993: ''EPA Lets Polluters Off Hook.'' So polluters are not paying under the current law. So this misinformation is incorrect.

These are the facts. Now, of the sites that we have in Superfund, a program which was well-intended, are we cleaning up the Superfund? Wrong. Look at the number of sites. We have over 2,000 sites, and only a handful have been cleaned up at great expense. So we are not cleaning up the sites, and that is according to GAO reports. They do not want to deal with the facts. Then a GAO report that was released in 1994, it says: ''Are we cleaning up the sites that are most hazardous to public health, safety and welfare? And the answer is no.''

The report says EPA does not use risk to set priorities. You know what drives the cleanup? Political pressure. That is what this report says. That is what Republicans are trying to change. We say why pay more and get less? Superfund is a disaster. You know who gets the money in this? The lawyers and the people who do studies. About 80 percent of the billions of dollars that are expended on these programs go to the lawyers and the studies.

Mr. Speaker, I sit on the committee that oversees EPA. You know who does the studies? Another report by the General Accounting Office showed that the largest percentage of contractors are former EPA employees. An incestuous relationship. So this is what they want to keep. They want to keep the pollution. They want to let the polluters off the hook. They do not want the sites cleaned up that are hazardous to our children and our future. They want to pay more and get less. They want the attorneys and these fat cats from EPA who have gone into the private sector to keep milking the cow because the taxpayers are paying. This is what the argument is about, and the American people and this Congress must listen.

Republicans care about the environment. Republicans care about the land and the water and the air we breathe. The thing is, we are not getting our money's worth. The thing is, people are out there busting their buns to send money to Washington, and this is where the billions are going and the hazardous waste sites are not being cleaned up and priorities are not being met and promises are not being kept.

THANK YOU TO MY WIFE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, my colleagues and the broad C–SPAN audience of a million people or more, sometimes a million and a half when we are having a hot debate here on public policy, I watch in 1-minute speeches at the beginning of some days hear Members from both sides of the aisle get up and proudly talk about a little league team, a professional basketball team, a professional baseball team, or some worthy American citizen in their district who has passed away who lived a great life and contributed to the overall greatness of our country and to the benefit of their fellow citizens. But today I rise to do that very thing for someone very close to me, my wife. Today is her birthday, but it is also our 41st wedding anniversary. Last year it was the day that I declared for President in the city of by birth, the island of my birth, Manhattan, in New York City.

It was Easter Sunday last year, the 16th, and we went to mass in the beautiful cathedral where I was baptized, the seventh largest church in the world, St. Patrick's Cathedral in New York. On that beautiful Easter Sunday, we went up to the baptismal font where I became a Christian and we retook our wedding vows, and this last year has been one of the most exciting, delightful years of my life, running, fulfilling a boyhood dream for the Presidency of this great United States.

Mr. Speaker, I just want to thank my wife for putting up with an Air Force fighter pilot who ejected twice, saved a couple other aircrafts, landing in dangerous conditions without any power, dead-sticking, almost lost at sea once, traveling around the world in dangerous areas. The plane that killed our Commerce Secretary Ron Brown was the very airplane that Mr. CALLAHAN flew on not 4 weeks before, 3 weeks and 6 days before. Four times I flew with that same wonderful Air Force crew. About seven of the eight on that crew were with SONNY CALLAHAN's crew and BOB STUMP of Arizona and myself. Great, fine young people.

We flew into some dangerous fields, Tuzla, in a snowstorm, Sarajevo in a snowstorm. That could have been me. It could have been six Members of this House instead of 24 CEO's, 35 people overall, including Ron Brown. But it is not easy being married to someone that is living a life of adventure and trying to serve his fellow countrymen, giving up wonderful opportunities in media to make a lot of money and still contribute significantly.

I just want to thank my wife, Sally Hanson Dornan, for putting up with me for 41 years, giving us five beautiful children, all of them charging conservatives of principle.

This year, on the eve of the Iowa debate, I won the Presidential election because I got a 10th grandchild. And I woke up this morning to my granddaughter handing me Molly Dornan, looking at that beautiful, precious face. We have had all 10 grandchildren together for the first time over this Easter week, and I am just overwhelmed that I have so many blessings from God to account for an to never retire, to just find some way to serve my fellow Americans.

We spent Saturday all day at Mount Vernon. What an inspirational point in American history, the birthplace of the Father of our country, first in war, first in peace, and first in the hearts of his countrymen.

□ 1600

That was the first time I would be back to Mount Vernon since my dad took my two brothers and me there in 1941 in the summer, right before we were drawn into World War II, and I remember those 8-year-old boyhood memories of the beautiful vistas of the Potomac, but I did not remember the house, and what a humble way, in spite of the dark clouds of slavery over that plantation and that Washington freed his slaves on the death of his wife, which happened 4 years after his own. He died at age 67; Martha died at age 70.

But you walk through those small bedrooms, wooden floors, looked at the bed where George Washington died, and thought what great dreams he had for this country, this man of character, how far we have fallen in some areas, then the promise that Washington, Adams, Jefferson, Madison, the Father of our Constitution, Abraham Lincoln, fighting Teddy Roosevelt; all these Presidents, so many of them general officers that were shot and wounded in combat.

Washington, when he was with Braddock, was 1 of only 4 officers out of 100 that were not wounded. Thirty-eight of them were killed, and he said only by God's hand was he saved, and he was 23 years old and he wondered why.

Mr. Speaker, that is what I wondered when I bailed out of the jet the second time at 23, wondered why did God keep me around, and hope I am not disappointing anybody. I will continue, Mr. Speaker, to keep fighting for faith, for family, and for freedom, and again I thank my wife on here birthday for 41 wonderful years.

DOD MEDICAL AND DENTAL SUPPORT CONTRACTS

The SPEAKER pro tempore (Mr. COBLE). Under the Speaker's announced policy of May 12, 1995, the gentleman from North Carolina [Mr. JONES] is recognized for 60 minutes as the designee of the majority leader.

Mr. JONES. Mr. Speaker, I rise this afternoon along with my colleague from the State of Georgia, Mr. NORWOOD, to talk about our military health care system, specifically to discuss TriCare and its implementation.

I believe there are a number of important issues this body needs to address. The long-established ways of providing medical care for soldiers, military retirees, and family members are changing. As the bond with Korea's soldiers for lifetime medical care is being redefined, the historic promise of free lifetime medical care is coming face to face with the fiscal realities of the post-cold war.

The most significant change in military health care is the introduction of TriCare, the Defense Department's regional managed care program. It is my understanding that TriCare is intended to provide high-quality, low-cost, successful care to dependent and retiree beneficiaries by partnering with civilian sector health care providers. The change has begun in selected areas of the United States and is scheduled to be fully operational in the continental United States and Hawaii by 1997.

As we closely watch TriCare evolve, it seems that several outcomes appear apparent. Throughout the transition, Congress will examine TriCare closely, and alternatives to TriCare will be considered if problems of access and cost escalate and TriCare is unable to provide a uniform benefit.

Mr. Speaker, at this time I would like to yield to the gentleman from Georgia [Mr. NORWOOD].

Mr. NORWOOD. I thank my friend from North Carolina, and I am honored to share this time with you.

Mr. Speaker, we are grateful for the opportunity to bring to you a very complex subject, and I hope that we can bring this down to a point where the people understand what we are talking about in terms of a national problem and by bringing it to you on a very local level.

Now, I want to say up front I have the highest praise for the Department of Defense medical care system. In my district, the Eisenhower Army Medical Center is an outstanding example of how the Department of Defense provides the highest quality medical care to its military beneficiaries. However, with the military drawdown, this has forced many of our military families and our retirees out of the military hospitals and clinics. Under the new DOD medical management care system, now called TriCare that you referred to earlier, many of these beneficiaries are treated by civilian medical and dental care providers through the use of managed care contractors.

Now, the intent, I believe, of the Department of Defense is to use these contracts to be sure that our military retirees and our active-duty dependents have access to care, and quality of care, but at the same time manage the health care costs; in other words, try to bring that cost down.

Now, if this is done well and properly, I believe these managed care contracts can successfully augment the outstanding care that is now being provided in our military hospitals and dental clinics all over the country; in

fact, the world. But if this is done poorly, the effects on the military beneficiaries could be devastating, and I think we are going to see some of that as we go through this today.

These medical and dental contracts are worth billions of dollars to civilian managed health care companies. The financial advantage to these companies in securing a DOD contract is clearly very obvious, and we must insure that the value of the services that they provide is equally as obvious to our military beneficiaries as well as to the American taxpayers, and at this time the General Accounting Office and the Congressional Budget Office are not convinced that the TriCare program can do what it is supposed to do in its current form.

Serious, serious questions have been raised in congressional hearings about questionable procurement procedures, uncertain budgetary projection, unresolved compliance violations by contractors. Last August, just last August, the GAO stated that the members of the DOD source selection evaluation board, and I will quote, ''have little or no experience with private sector managed care plans and thus have difficulty distinguishing among offenders who can perform effectively in the private sector and those who are less effective insuring quality care and controlling costs.''

Now, that is what the GAO said. At a congressional hearing last month that Congressman JONES and I were both able to attend, the Assistant Secretary of Defense for health affairs was unable to list any substantial improvements in the way medical and dental managed care contracts are procured since that last GAO report. The GAO revealed unresolved concerns about the abilities of DOD to evaluate the effectiveness of TriCare programs and to measure the performance of the TriCare contractors.

Now, this is going to be very important, I say to the gentleman, Congressman JONES, as we get into our story here to show how this is actually happening. An earlier Congressional Budget Office estimate suggested that TriCare will increase DOD's cost of health care delivery, says it will increase the cost of health care delivery despite the statutory requirement that TriCare not raise Government costs.

In addition, CBO projects that DOD will not be able to meet its congressional mandate of offering beneficiaries a more uniform and stable benefit nationwide.

Now, we are going to lead into all that when we talk about one little tiny town in this country.

Despite these findings, an article in the December 27, 1995, Washington Post noted that the Foundation Health Corp., which is a TriCare contractor that manages 5 of the 12 TriCare regions now, pays its chairman and CEO an annual salary of $6.1 million. This is the highest paid or compensated health care executive in the United States.

Within a few days of this, after last month's TriCare hearing, articles appeared in each of the Army, Navy, and Air Force Times which described access problems with the new contractor of the TriCare family member dental plan.

Now, that is about to get into where we are going.

This program provides comprehensive dental benefits to dependents of active-duty personnel and has historically been one of the Defense Department's most popular and successful health care programs.

The problems reported in these articles certainly raise questions about whether DOD's confidence in the process it claims to have made in the area of procurement reforms is truly justified. These reports strongly suggest that the very problems GAO found with TriCare medical procurements may now extend as well to the dental contracts.

Now, we want to try to discuss this afternoon a case where our fears about TriCare are real, happening to real Americans, and I am talking about a TriCare dental contract in Mr. JONES' district where patients, meaning military dependents and retirees as well as the dental providers, are living a pure nightmare.

I would ask my colleagues if he wishes to tell us a little bit about what is happening in Jacksonville, NC.

Mr. JONES. Well, I really appreciate having this opportunity, knowing of your background and your interest in providing for adequate medical, both health and dental, plans for our military and retirees. You and I share this same commitment to our retirees and to those serving on active duty and to their families to make sure that they get the very best medical care, both physical and dental.

I will have to say, back in, I guess, January of this past year, I happened to be down in Jacksonville, which is the home of Camp Lejeune Marine Base, and we are very proud to have Camp Lejeune in eastern North Carolina, particularly in my district.

Well, a group of dentists wanted to talk to me, and I will be very honest with you, I was very unfamiliar with the dental plan because it was something new. I think the Concordia is now the provider of this dental plan, and in the past, and I hope you are in touch with this in just a couple of minutes, Delta had been the provider.

Well, according to these dentists that I met with, they had a tremendous concern about the fact that they were going to have to provide this dental care with a less fee, and they had it well broken down and documented as to the amount of money that it cost them to provide adequate medical care to the military family and the retirees, and the fact that Concordia was asking them to take a very, very significant decrease, and they were showing me with documentation how they could not afford to provide this dental care for the military at Camp Lejeune.

Well, when I came back to Washington, I met with my military person, and we started looking into this matter, and in addition to what I heard when I was in Jacksonville, also these dentists were telling me, and, CHARLIE, they have been doing work with the military for years and years, and they were telling me that they were being threatened that if you do not buy into our contract, we will put our own dentists down here in Jacksonville to provide the dental service.

So this is what really made me very upset because again my concern is for the dentists, but also my concern is for the military and the retirees, and what I was trying to do, and the reason you and I developed this relationship on this issue, is because you and I both share the concern with what the Department of Defense is doing. And I would appreciate if you would share with me and those that might be watching us this afternoon a little background on how DOD decided to go with Concordia, and my concern is that DOD is not, does not, have the proper oversight on the actions of Concordia as they are, in my opinion, intimidating many of the dentists in my district.

Mr. NORWOOD. If the gentleman would yield, Congressman JONES, you have been hearing a lot, I know, from your constituents back home, and I have been hearing a lot from some of your constituents, too, because I practiced dentistry for 25 years, and I think they know and realize that I can understand what the problem is.

Concordia is a managed care company. There are no health care providers there. They are managed care entrepreneurs, and as a Department of Defense put out bids to see who would manage the dental care for all of the Nation's retirees and so forth, Concordia bid on it. Now Delta dental plans had been running the same type of contract for something like 8 years; my understanding is all, if not most, of the dentists in Jacksonville were signed up with this particular managed care company, and it is a discounted fee, and everybody seemed to be pretty happy in that area with Delta dental plan, and I will have to tell you this thing with Concordia is not just in North Carolina, but it is nationwide. This is a $1.7 billion contract.

Now that interests entrepreneurs. That is a lot of money. Yet Concordia, by most measures, would be considered a very small company, and they were interested in this contract for a couple of reasons: No. 1, if they get it, then that would put them into a position to go nationwide, and in the long run we are talking about lots and lots of money.

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Concordia came to the dentists in Jacksonville, NC, I think there were about 40 in a town of about 75,000 people, all of whom or most all of whom are connected with the military, either retired, one way or the other. These 40

dentists were already treating the people from LeJeune and in the area of North Carolina. They came to these guys and said, ''We won the bid. We would like for you to come work for us.''

They said, ''We have been doing this for a long time with Delta Dental. What do you have?'' Concordia said, ''We want you to sort of do the same thing, but we are going to have to cut your fees by 20 percent, 20 to 25 percent.''

The problem with that that Concordia should have known is that most dentists practice with an overhead of about 70 cents. Another way to say that, for every dollar that comes in, the dentist gets to keep 30 cents of that dollar. Then he pays 15 cents of that to the Federal Government. Concordia comes in and says, ''We are going to take 25 cents out of that dollar,'' which means there is no way they could do that. They cannot make a living, they cannot stay in practice. It particularly affects a smaller town like this, because all of their patients are wrapped up and already involved in this.

Concordia put this to the dentists and the dentists, as I understand it, simply said, ''Sorry, we can't do this. We can't make a living. We can't offer any kind of quality of care. We cannot do it.'' So none of them have signed up.

I do not know if Concordia underbid Delta Dental to get the contract so they could grow nationwide. I do not know what they did in terms of their bid. But they have gone to the providers of health care and said, ''We can't pay you enough for you to make a living,'' and the providers of health care in North Carolina said, ''Sorry, we can't be involved in that.'' Then comes the pressure. Your constituents are getting pressure from a big insurance company that is hired by the Department of Defense. That is how then we get involved.

Mr. Speaker, it is not just the Jacksonville dentists. They are not alone in the rejection of this Concordia managed care company. The previous contractor, Delta Dental, had a provider network across the Nation of 113,000 dentists. Only 33,000 of that 113,000 agreed to sign up with Concordia. The Jacksonville dentists shared the opinion of the other 80,000 dentists across the country that will not sign up with Concordia because it is purely unacceptable. You cannot practice that way.

Mr. JONES. Let me ask the gentleman, before he became a Member, since he was a dentist, is it not true that the dentists, and you explained this 30 cents out of a dollar, I believe you said, they work on a very tight margin, so many times these dentists, even though they might have been in business for 10 or 12 years, they still owe for equipment, they still owe moneys on the facility itself.

So the concern that I had when I first heard about this was the fact that Concordia, if you will let me use this word, seemed to come in there in a very roughshod way to say, ''You either buy into our plan, or we are going to hurt your business by putting our own people in.''

If you do not mind touching on that, I think you might have just a moment ago, but do you not see a problem with a company that has been OK'd, so to speak, or approved by the Department of Defense going into a community that has welcomed and loved the Marine base, it has been there for years and years, and then they come in and say, ''If you do not accept our fee structure, which is quite a reduction from what you had previously, if you do not follow our orders, then we are going to go in direct competition with you.'' Is that any way to build rapport in a town where you have a military facility as important as Camp LeJeune?

And not only the providers or the patients, none are happy with a situation like that, but my understanding is they threatened to come into town, build a new clinic and import people from outside, in effect closing down 40 families, 40 offices in town who had been there doing the right things all these years.

It is also my understanding, and it is a pretty clear understanding, that there is a real effort by Concordia to characterize the local dentists as selfish and uncooperative and unwilling to accept a discounted fee. But they have been doing that for the past 8 years with Delta Dental. The difference is that Delta Dental was paying them enough to make a living and they could still offer a good quality of care.

The problem here, WALTER, as I see it is that the Department of Defense, in fact CHAMPUS, selected this company, Concordia, Inc. This company has come under serious fire from patients and providers since it replaced Delta Dental earlier this year.

We think, and we are looking into this, as you are, too, but we think there are certain deficiencies going on in the Concordia contract which I alluded to when I opened. The Congressional Budget Office alluded to it, too, that we basically do not have oversight of a situation like this.

Concordia has not been able to establish an adequate provider network, meaning they do not have enough dentists working for them. Therefore, the patients, the military dependents and retirees, do not have as many choices. They do not have access to patients, which is one of the very first things the Department of Defense said they wanted to make sure that we had.

Concordia has inadequate claims services, creating, really—that causes a serious financial crisis, not only for your patients, but also for the providers. They have been accused of making changes in the procedure codes during claim processing. Another way of saying that is that they go in, and if a provider puts a particular code down for a particular procedure that is supposed to pay *x* dollars, Concordia does not mind changing that code so it will pay fewer dollars. In other words, that is another way for them to make up for the fact that perhaps they underbid this contract.

There have been unresponsive and most certainly uninformed service representatives causing delays in treatment and delays in claims processing. It has gotten to the point where there are just hostile relations down there between this managed care company—and again, that is not people who do any type of treatment, they are managed care, they are health care entrepreneurs—and the providers.

Mr. JONES. When the gentleman has approached the Department of Defense, I know the gentleman mentioned in his earlier statement that we did have a hearing in one of our military committees and this subject did come up, but knowing that you have done an extensive amount of work, you and your staff along with my staff, will you tell me what your response has been from the Department of Defense when you say. ''What in the heck is going on?''

Mr. NORWOOD. Mr. Speaker, we have been assured that everything is wonderful, that everybody is doing exactly what they need to do, that patients will have all the access to care that they possibly want, and that there are really no problems.

You know, I want to just point out a little small inconsistency in that. DOD says that the Concordia dental network is adequate, meaning there are enough dentists to provide the care that the patients need. Since the size of this network determines access, which you mentioned and I mentioned, which is so important, that beneficiaries have to dental care, how did the DOD determine what constituted an adequate network?

The previous dental provider was Delta Dental. When they were first granted the contract from DOD, CHAMPUS determined that their existing national network, they had 90,000 dentists, and CHAMPUS said, ''That is too small.'' They required Delta Dental to go out and hire more people to work.

Concordia stated that their goal for an adequate network was only 40,000 dentists. To date, they have really been able to only sign up 33,000 from the Delta Dental network plan of 113,000. Yet, Concordia claims, ''That is small enough to take care of all the patients.'' I am saying that somebody needs to oversee Concordia.

Mr. JONES. Mr. Speaker, I want to touch on a couple of areas the gentleman has mentioned, but I want to share with him a letter that we received several months ago from a dentist, and I will not give his name. It says:

> My opinion is that the schedule of allowances known as fees paid by United Concordia is too low to be profitable. My income is solely derived from my fees. I get no subsidy from the government. These United Concordia fees are 20 to 33 percent less than

the fees paid by the old administrator, Delta. A reduction of fees of this magnitude reduces my profit by 60 to 82 percent. I cannot afford to see these patients at such a loss.

In addition to the fact that dentists should not be expected to stay in business if they cannot make a profit, no one can in America, the problem that I have is that, again, not only are our dentists, in my opinion, being treated unfairly, but the fact that we do not have the network to service those at the base and their families and the retirees. We have a real serious problem, CHARLIE, and I am delighted that you are so involved in this issue. We have a serious problem, and that is giving adequate care to our men and women in the military.

Mr. NORWOOD. If the gentleman will yield, Mr. Speaker, the gentleman is totally right. When we do not pay enough to let people make a living, then we may be assured access will be affected, and so will quality of care. Those are the three things that the Department of Defense says it is interested in. I hope that they have not gone out and accepted a bid just based on who is cheapest. There is more to it than that.

They say so, too. They say access of care is very important, and they say quality of care is very important, but they want it for less money, and the problem in this particular area is they want it for so much less people cannot make a living, so nobody will join the program. Therefore, there are no providers.

Mr. Speaker, I want to remind the gentleman from North Carolina, we are talking about a $1.7 billion, with a B, billion, contract to provide dental care to military families. With this contract in billions of taxpayers' dollars, Concordia, which is a small, regional, managed care company, is going to transform itself into a major national player in the emerging dental care managed care industry. The potential for rapid corporate growth and huge future profits for Concordia is staggering. The question remains: What will the American taxpayer and our military beneficiaries receive in exchange for a very lucrative contract?

Mr. JONES. Along these lines, Mr. Speaker, I want to read a newspaper article, just a couple of quotes from this article, one being from a dentist in New Bern, NC, which is Craven County, adjacent to Onslow County.

It says: Dr. Jim Congleton has not signed with United Concordia. He said that he wished the company had been more honest and open in developing the dental plan which they are offering to military dependents.

In addition to that, let me share a comment by a dependent. ''Military dependents are not happy with this situation. Our costs are going to go way up,'' said Jeannette Coulsey, a military spouse. ''UCCI says if no dentist in the area signs up, or we see a dentist who is not in the plan, United Concordia will pay the dentist 10 to 12 percent less than one of their participating dentists.''

So your point about our concern should be for the dentists, and also it certainly should be for those in the military and their families, and again, this is why I really appreciate you joining me this afternoon, because this is a very serious problem in my opinion, and one that, thank goodness for people like you, and I want to say my staff, the fact that we are willing to look into a firm that could receive $1.7 billion, and that is with a B, billion dollars, $1.7 billion, and yet we have so many unhappy, dissatisfied people.

Mr. NORWOOD. If the gentleman will continue to yield further, Mr. Speaker, one of the questions I think we have to ask ourselves is how did Concordia wrestle away this $1.7 billion contract from a managed care plan that had been in business for the last 8 years? Did they bid less? Did they bid so low that they cannot pay the providers enough to sign up, so they can at least make a living? I am not sure. We need to understand these problems.

Concordia assures us that patients are satisfied with their program. That is what they said at the hearings. Health affairs has no formal plan for determining patient satisfaction or assessing contractor compliance. That is very, very important. who is going to oversee this? The only method being used at this point is to perform periodic spot checks using the participating provider list, using trend analysis, or to evaluate complaints by beneficiaries.

I want to remind Members, this is a $1.7 billion contract. I will tell the Members something I do not understand at all.

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Prior to having TriCare, the health care of our military, the dental care of our military was left up to the commanders at local military hospitals.

Why does Health Affairs not allow local dental commanders and regional dental service support area commanders to have oversight authority over Concordia? I do not understand that. Once CHAMPUS selects a contractor, Mr. Speaker, the contractor is responsible only to CHAMPUS and DOD Health Affairs.

Currently dental commanders do not have the official oversight authority over Concordia. That is not true in the medical side of the house, where the medical commanders, they are called lead agents, they have oversight authority over TriCare contractors, and they are responsible for ensuring that the contractor is complying with the terms of the contract.

Who is responsible here to be sure that your constituents in Jacksonville, NC, have a good deal?

Mr. JONES. That is why I sincerely appreciate your joining me in this effort to find out what we can do to help correct a very bad situation. I am like you. I do not know why we do not have oversight over situations like this, because we are talking about the taxpayers' money. We are talking about providing good health plans for our military and our retirees, and we all know that we are talking about the taxpayers' money, and you said again, I keep using this, $1.7 billion contract.

Let me share this also with the gentleman from Georgia [Mr. NORWOOD] and also those that might be watching. This is a quote from, again, a news article. I want you to know that I give credit to the news article, because these are not my words but the words of someone else. This has to do with a statement by a gentleman named Jeff Album, spokesman for Delta Dental. I would like to share this with you.

''But Onslow County is not alone. There are other counties across the country around military bases without dentists signed up with UCCI,'' which again is United Concordia, said Jeff Album, spokesman for Delta Dental.

Then I go further with his quote. ''We believe the criteria specified for selection of a winner in the request for proposal did not match the criteria that seems to have been used in the selection of UCCI,'' Album said. And I further quote: ''It appears DOD opted for the least expensive bid rather than best value.''

Let me read that again, and I want you to comment, if you will. ''We believe the criteria specified for selection of a winner in the request for proposal did not match the criteria that seems to have been used in the selection of UCCI,'' Album said. ''It appears DOD opted for the least expensive bid rather than best value.''

Since you have looked into this matter in detail, can you comment on that? Do you think that the bid process was equal to what Delta had been asked to bid on before?

Mr. NORWOOD. No. And, more importantly, maybe I do not believe it has been, but neither has GAO or the Congressional Budget Office. I talked about that when we first started.

In their hearings before us, they had made more than a few comments about the fact that they were not sure we had this together enough yet, and what we are doing is we are making sure now, because we have rushed into this and perhaps did not take the best contract. We have got our military retirees, our active duty dependents that do not have access to care. Their care is going up. I cannot speak to the quality, but one has got to question it when you start reducing the dollars in it.

We have got these, and then we have got other citizens, small business people who have a small office. They are being attacked by this giant insurance company saying,

You better come to work for me because I put out a $1.7 billion bid and I can't fix teeth. I've got to have dentists to do that. You guys come to work for me, or we're going to spread your name around town as being unselfish or unwilling to cooperate.

That is hard to take for a small business, and that is what a little dental

office is. They are being picked on by this giant conglomerate of insurance companies, where they are trying to force them to come to work and not be able to make a living. Then they have done worse than that. We will get into that in just a minute, too.

Mr. JONES. It is our responsibility to oversee the spending of the taxpayer dollar, you and I and other Members of the House. It is our responsibility to be sure whether it is DOD or another agency that they are getting their money's worth. Certainly the taxpayer needs to get his or her money's worth and certainly our military needs to be treated fairly with the best plan possible for the money. What I have gathered from the last 20 or 25 minutes that we have been talking from your comments as well as mine, that we feel that they are not getting their dollar's worth and you just said about the dentists, and this probably appalled me as much as anything. When I had dentists and, I want people to remember, these are taxpayers of America.

Mr. NORWOOD. That is right.

Mr. JONES. These are taxpayers. Yet they have a company that comes down and threatens their livelihood and says, ''If you don't join our group, we're going to take your money, because you're a taxpayer, we're going to spend your money and put you out of business.''

Mr. NORWOOD. Some of your constituents who are dentists have been writing me and I am going to take just a minute, Mr. JONES. I want to read two paragraphs, but it says so much. This is a 10-page letter that lays out lots of the problems. Just two paragraphs.

He says:

You may correctly assume that I have much better things to do with my time than to argue with and complain about a government contractor that is not performing as specified. My full attention should be given to my patients and their families, my staff, my practice and my family and friends. The amount of effort I have given to this issue never should have been necessary but I will do whatever it takes to protect my patients and my practice and to make sure everyone gets a fair deal. I do not believe that the United States government is getting what it contracted for, optimum dental health for military families through a fee-for-service dental plan. Indications are that we are entering into an ordeal with Concordia where only Concordia is benefitting.

I will jump off the letter for a minute to remind you that they are going to get their 25 percent of that $1.7 billion. I bet it works for the company.

He goes on to say:

Because of situations like this, those of us in the trenches work ourselves to the bone and then have to scramble to meet our overhead. Consider the fact that some of my regular monthly expenses are around, say, $50,000 for payroll, without the provider, close to $19,000 for mortgages of office, $5,000 for utilities, $12,000 for dental and office supplies, and because of a massive need of supplies, I have not taken a salary since last September. I have virtually exhausted my savings and may shortly be forced to sell or borrow against assets. Surely this was not the intent of the Department of Defense. I know this is also happening to numerous other colleagues in the Jacksonville area.

Mr. JONES. Mr. Speaker, I think it is worth restating. Would the gentleman from Georgia [Mr. NORWOOD] tell me again how many dentists were in the network when Delta had the plan versus Concordia today?

Mr. NORWOOD. Delta Dental had 113,000 dentists in their network nationwide. Concordia has said, ''Well, we can do it with 40,000.'' That means less access. They have only been able to sign up 33,000. Eighty thousand not willing to sign up and work for nothing.

I want to present to the Speaker some corrections that I think that DOD Health Affairs really has to bring out and deal with, because this is just the beginning. They have not even awarded the contracts all across the country yet. This is just the beginning. So if I could, Mr. JONES, I would like to list a few things for the record because we are going to bring it back to them in other ways as time goes on.

First of all, DOD must establish a full-time oversight board to monitor complaints of the Concordia contract, which are numerous. They must authorize local dental commanders and regional dental service support area commanders. That means the colonels and the majors and the captains and so forth that are working in the different armed services clinics around the world, we need to let them exercise some oversight over this Concordia program. In the same manner, by the way, as the TriCare lead agents and medical facility treatment commanders have over TriCare contractors.

Third, we need to establish a methodology for measuring the effectiveness of the Concordia program to provide access, choice, and quality of care, not just how much cheaper is it. Establish an effective means to receive comprehensive input from beneficiaries on patient satisfaction. In other words, how do the patients feel about this. That is who this is all about and that is who this is for.

We need to issue a, quote, cure notice to Concordia, require correction of contractual deficiencies within a specified time. And after an appropriate transition period, give them some time to get it right, if Concordia does not live up to its contractual agreements, Health Affairs should issue a cancellation by default order and allow another more capable contractor to assume the program.

Those are things we are going to have to deal with if, No. 1, we are going to deal with the patients and your constituents, and, No. 2, the providers of health care.

Mr. JONES. I like those four or five points the gentleman from Georgia [Mr. NORWOOD] made because as you said in your comments a few minutes ago, there is no oversight. Once the bid process is finished and a company gets the contract, then this has become very helter-skelter. We have dentists that have not been treated fairly in my opinion, we have patients who have not been treated fairly in my opinion, and I am delighted to hear these four or five points, because if there is anything I want those that might be watching to fully understand in fact that this new majority, we understand making Government more efficient. Here we have got a dental system that in my opinion is not efficient and is not serving the people it was intended to serve. When you think about our military, these are men and women that were willing to sacrifice their life, and they should not be denied dental care. Yet we have our dentists as we have said, I am being a little repetitious but I want to repeat it again, they are taxpayers, American citizens, and here we have got the Government through this Concordia group working against the taxpayer who is paying for this $1.7 billion plan.

So I am delighted to join you, and I am sure you will have many others as you go forward with these four or five points that you think would help with oversight as it relates to dental care for our military.

Mr. NORWOOD. If the gentleman from North Carolina [Mr. JONES] would yield further, as we are headed toward conclusion, I want to point out another thing that has happened in this contract that drives me crazy. It is one of the reasons why the American people lose faith in their Government. It is one of the things that I think make people dislike a strong Federal Government.

We have talked about this great big insurance company spreading bad information around this small community of 70,000 people about the providers because the providers won't come to work for them for nothing. Then we are talking about this large company that then says to the providers, the dental care providers, ''Well, if you don't come to work for us, we're going to close you, we're going to build this big office in town and import people from out of town to take care of it.''

But the icing on the cake to me is now Concordia, this big insurance company, has called in the Federal Government, has called in the Federal Trade Commission, and it said, ''Come get 'em, they're bad guys, they've actually been talking about what this costs.''

Now, it is perfectly legal for Concordia to set the price of the cost of dental care across the Nation. But if two dentists in Jacksonville, NC, sit down to talk about what this does to their practice and how it affects them, we get the Federal Trade Commission lawyers running in at the behest of Concordia.

☐ 1645

All they got to do is make an allegation. It does not—you are guilty. If they make an allegation to the Federal Trade Commission, you are guilty until you can prove yourself innocent. What does that do to people? Well, it is like

the IRS running in. The first thing you know is no matter who wins, I lose.

There is no way to win that, because you get involved in a lawsuit to defend yourself against the Federal Trade Commission. What does it do? It costs you a ton of money to defend yourself. It costs time. You spend hours and hours and hours answering all the questions that you must answer because the Federal Trade Commission has come rushing in. No matter there is no point to it. If they are called, they are glad to run in. I presume that maybe they do not have anything else to do, but they are going to go down there and they are going to pick on these guys in Jacksonville, NC.

And this is a managed care company using the Federal Government as a big club to make people, small family businesses, come to work for them at absolutely no way to make a living.

I do not know what we should do about this, but I have been involved in this thing once before in my life. Some years ago when I was President of the Georgia Dental Association, the dentists of Pennsylvania told Blue Cross and Blue Shield, no, thanks, we are not coming to work for you because you will not pay us enough. By the way, that is the parent company of Concordia. Now, this happened. I was involved in this. They said we are not coming to work for you because you will not pay us enough to make a living.

So what do the Blues do? They run straight down here to Washington, get the Federal Trade Commission in on it. The Federal Trade Commission, the entire Pennsylvania Dental Association. By the way, all of the North Carolina Dental Association is being sued now by the Federal Trade Commission.

This goes on for months and months and months. We raised money around the country to help this one little dental association defend itself against the Federal Trade Commission. They got all through and found nothing was wrong, and it cost $2 million.

These are not rich people that you can just go throw around $2 million. This is not Ford Motor Co. These are small family businesses, very small businesses, and we cannot continue to allow the Federal Government to be used as a club to beat on your folks in your district.

Mr. JONES. Let me tell you. Mr. NORWOOD, I know we are closing down in another 5 or 6 minutes and will be ready to yield back the balance of our time, but I could not agree more. We have gotten to a point in this country where too many times those people, and you are right about the dentists in eastern North Carolina. Most of the dentists in North Carolina, but particularly eastern North Carolina, these are hard working, family people. they are not muntimillionaires, they are not millionaires; they are just people working hard to provide a very valuable service, trying to take care of the people in their community. Yet, as you said, too many times the Federal Government, whether it bve DOD or another agency that you were just talking about, comes down with a heavy hand or club, as you said, and as long as there are people like you and I and many on both sides of the aisle up here in Congress, we are going to fight for that man, that woman, in our district that we feel has not been treated fairly.

If I can before closing, I would like to read, because this is a letter sent to me by an Air Force captain on April 1, 1996. I am just going to read a couple of sentences to you. It says, ''Dear MR. JONES: As a member of the USAF stationed at Seymour Johnson in your Congressional District, I am writing to you about the new military dental plan. I attempted to follow my chain of command and in doing so determined this is a Congressional issue.''

''According to Champus,'' and this is a quote, '''there would be no change in coverage' under the new plan.''

I am just skipping around in this letter.

''My payments have almost doubled. Personally, I would rather pay the extra $308 per month'' for the service that I had prior to this new company. ''I am certain that I am not the only military member. With this problem with Concordia's limits being so low, I can hardly blame dentists for not accepting the new plan.''

Let me repeat that again. ''I am certain I am not the only military member with this problem. With Concordia's limits being so low, I can hardly blame dentists for not accepting the new plan.''

''In all honesty, it gets old having your health packages changed, being told that 'coverage is the same', and discovering that twice as much money is coming out of your pockets.''

I want to get that in for the RECORD, Mr. NORWOOD, because again, with all of this 30 or 40 minutes we have had, what we are talking about is American citizens, taxpayers and military. I am going to continue to work with you and your staff to see if we cannot correct this problem. I think it is a problem that has gone too far, to the detriment of taxpayers in my district and some of your friends elsewhere. I am going to work with you and your staff as you work with me and my staff to see if we cannot correct this situation.

Mr. NORWOOD. If the gentleman would yield, I will conclude by saying this, Mr. JONES: I think the people in your district are very fortunate to have you up here. In many cases there is no other advocate for those people. You have military retirees, you have dependents of active duty military people, who are not winning under this program. In fact, they are losing. You are up here defending them. Who else will?

I mean, we do not have any oversight from the DOD. I am glad you are. We have your constituents who provide dental care in your district, my colleagues. You know, who is going to help them? They have got a large manage care company coming after them with all the resources in the world. Now they have the Federal Government coming after them through the Federal Trade Commission. Who is going to be on their side in this?

Well, they are your constituents, but they are my colleagues, and I am not going to ever let this go until we give them some protection down there from that big heavy arm of the Federal Government.

Mr. JONES. CHARLIE NORWOOD, I want to thank you for joining me today. I look forward to joining you on this issue. We are going to right a wrong before it is over. I promise you that.

TRIBUTE TO THE LATE HONORABLE RON BROWN

The SPEAKER pro tempore (Mr. COBLE). Under the Speaker's announced policy of May 12, 1995, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 60 minutes as the designee of the minority leader.

Mrs. CLAYTON. Mr. Speaker, on the hillside over Bosnia, this Nation lost 33 dedicated and committed Americans. Among those lost was the man we pay tribute to today, Secretary of Commerce Ron Brown. We pay tribute to Secretary Brown because, in the finest tradition of America, he gave his life in service to his country, while performing peace in a region torn by war.

This tribute has been organized by those of us who serve on and have participated with the President's Export Council [PEC], a bipartisan effort with the private and public sector working together for export. Secretary Brown was a public sector member of PEC and the driving force behind a notable private-public partnership, whose mission is to expand the United States' exports abroad.

At the very first meeting of PEC of February 13, 1995, President Clinton attended and Secretary Brown welcomed and swore in the appointees. Secretary Brown emphasized that he would regard the PEC members as the Board of Directors for America's national export strategy, first implemented then in September 1993.

So, Mr. Speaker, we think it is only fitting that the PEC Board of Directors leave a tribute to the person who in our mind was the chairman and chief executive officer of America's effort to achieve free and fair trade, to give a chance to U.S. businesses of all sizes to market their goods and services abroad.

I am pleased to be joined by several of my colleagues, both Democrats and Republicans, and we will alternate as there are Members available. We will ask Members to limit their remarks to 2 or 3 minutes.

Ron Brown was born in Washington, DC, and you will hear more about that, on August 1, 1941. He was raised in Harlem by his parents, attended

Middlebury College in Vermont, was commissioned an officer in the army and spent time in West Germany and Korea, when certainly the seeds of foreign trade were planted at this time.

He will be especially missed for his work with PEC on behalf of U.S. exports and his effort as the Secretary of Commerce. One of his last appearances in the United States was at the most recent meeting of the PEC. At that meeting, he shared his thoughts and plans on the Bosnia-Croatia trip, as well as the uncommon insight he had gathered about trade around the world.

From this meeting came the proposed statement of principle concerning the Export Administration. Those principles reflected Ron's vision and wisdom, declaring export as a right of every American citizen, not a privilege, his early vision of the Export Administration. As stated, those principles outlined what America's position should be on export restriction, seeking to make sure, as Ron always did, that there is a level playing field throughout the world; that no one nation could assume an unfair competitive advantage in an increasing competitive marketplace. Indeed, Ron's work and the work of PEC makes certain that business of all types, politics aside, would benefit from the renewed trade effort, and they did.

During his tenure, important groundwork was laid, major breakthroughs were experienced, and future prospects for peace and prosperity were cemented. While Ron was deeply committed as a Democrat on the matters of free and fair trade, he was an American first. Party took a second seat to the goals of expanding export.

That reason and other reasons should cause us, both Republican and Democrat, to work together and to honor Ron Brown by committing ourselves to the expansion of America's industries in the benefit of American workers.

Mr. Speaker, I am going to yield time to one who has known Ron Brown for many, many years, and certainly it extends beyond that of trade, in a personal way, the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I thank the gentlewoman from North Carolina for her leadership in organizing this special order and much deserved tribute.

Ron Brown was my constituent and my friend, so that last week I had one of the saddest weeks of my tenure as the Congresswoman from the District of Columbia. I was, of course, at Dover where the bodies of 33 Americans came home, and then on another evening at the Metropolitan Baptist Church to speak in tribute to Ron Brown, and finally at the funeral at the National Cathedral, where there was an outpouring of people from all over the world.

May I first read the names of all seven of my constituents who perished on that flight. Ronald H. Brown, Secretary of Commerce; Adam M. Darling, confidential assistant to the Deputy Secretary of Commerce; Gail E. Dobert, acting director of the Office of Business Liaison; Carol L. Hamilton, whose parents I know very well, press secretary to Secretary Brown; Catherine E. Hoffman, special assistant to Secretary Brown; William Morton, Deputy Assistant Secretary for International Trade; and Lawrence M. Payne, special assistant, Office of Domestic Operations. For all of my seven constituents there is still great grief and feeling in the District of Columbia.

Ron Brown had been a friend for 30 years. When he and I were both young and his wife Alma and I were in a club in New York called Liaison, and Michael and Tracy were born to them, and Johnny and Catherine were born to my husband and me, Michael now has a wife, Tammy, and one of the saddest things to see is Ron with these two babies, these twin sons who were his grandsons. Ron was a wonderful family man. His son, as was said at the funeral, was his best friend.

Ron was a man of extraordinary determination, energy, and ability. Seldom has one American put together so many of the traits necessary for success in public life. As both policy spokesman and politician, Ron Brown excelled, bringing his party back to life again and helping Democrats win; without whom the President said we would not have won the Presidency in 1992.

Yet this was a fund raiser extraordinaire on the one hand, a coalition builder on the other. Any one of those would have been much.

I thank the New Yorker magazine for its comment on Ron in an article called ''The Fixer as Statesman.'' Somehow, this article tries to put together the two parts of this man that so often are seen as not going together.

The statesman, of course, is the commercial diplomat that Ron Brown became, and the fixer is the man who fixed the Commerce Department and the man who fixed the Democratic Party.

□ 1700

The comment by Sean Willents calls Ron silky, shrewd, and supremely self-confident. I do think, Madam Leader, that they capture this man we knew so well. They say he was not a plaster saint. Would he abhor being remembered in that way?

And they call him wordly and capable. They remember that Ron began in the Civil rights movement. So many who have achieved in this country today never would have gotten the chance to showcase their talents were it not for the civil rights movement. Having seen what he could do, because of the opportunity the movement afforded him as the vice president of the Urban League, ultimately Ron then went on to become a top staffer in the Committee on the Judiciary of the Senate and leader of his party, where he was essentially its titular head for between 1988 and 1992, articulating policies, bringing people together, preparing the way.

He took the job at the Commerce Department, which was regarded as nothing so much as a bureaucracy, and reinvented it into the kind of department European and Asian countries have long had, a Department that is aggressive in going out and selling the country and the country's business.

Finally, let me say of Ron Brown what is so important to to many. Ron simply saw and understood himself to have no limits. I am not sure all of us understand what an achievement that is in country where so many still feel bound by race, even if in fact if they would fly they are not bound by race. Ron said let me try to fly, and then he soared. The great tragedy is that had Ron not been killed, there in no limit to where he might have flown.

He simply refused to have an assigned place as a black man. He looked around him, saw other places, and went wherever his talent and energy could go, and they took him very far. I said at the Metropolitan Baptist Church that to many, race is what they believe holds them back. To Ron, race was a contest that you ran and won. With that spirit, so many youngsters caught in ghetto environments today might find the role model for the 1990's.

For my city, the city where Ron was born, the city where he lived when he died, I have asked my constituents not to mourn for Ron. Remember Ron was the happy warrior. I have said to my constituents living in this troubled city, this seriously troubled city because of its financial crisis, to remember Ron as the man who looked to impossible missions and made them possible. It is possible for Ron's birthplace, for the place where Ron lived, to bloom again, as Ron always looked to see what was possible and then went forward. I have said to those I represent: Don't mourn for Ron, try to be like Ron. Ron came, Ron saw, Ron conquered. So can we.

I appreciate the time that has been offered me.

Mrs. CLAYTON. I thank the gentlewoman for her very poignant and personal remarks about Ron.

We have been joined also by one who serves on the PEC, this is the President's Export Council, and what we want to do, indeed, is to remember him in a personal way but also remember him as forging new opportunities for trade, and those of us who had the unique pleasure of serving on that feel that certainly there is a particular loss.

I am going to ask if the gentlewoman from Connecticut, Mrs. NANCY JOHNSON, who is here, if she would make comments. And I understand that on her side—I want to say that this is a bipartisan approach that we were doing, and I am pleased that the gentlewoman from Connecticut wanted to join in this effort, which I think is an appropriate effort.

Our tribute is that Ron served American industries which gave American

jobs, and we as Americans first rather than you as a Republican and I as a Democrat, we are Americans trying to foster the interests of that. So I am pleased that she has come to join us.

Mrs. JOHNSON of Connecticut. Thank you. I thank my colleague for yielding to me. The President and the members of the Cabinet are the President and the members of the Cabinet for all Americans, and I am privileged to be here tonight to help you celebrate the life of Ron Brown and honor him as our former Secretary of Commerce and recognize the leadership he provided and the quality of the job he did.

When I was first elected in 1982, I came here from a district that had been devastated by what we called in those days unfair foreign competition. Some of it was just a very strong dollar combined with an American industry that was not efficient and was not strong. I watched Mac Baldrige try to develop the Commerce Department into a fighting partner with American business in a developing international market. I saw him struggling through, trying to help us see the importance of developing a department of trade.

I saw Mac Baldridge and some of his successors build the capability of the Department of Commerce to help American business get into the export market, sell abroad, be present in other markets in the same way foreign producers were present in our market, provide the same challenge in the world market that foreign producers were providing in our market. And that opening of vision that started with Mac Baldridge culminated in some really remarkable successes under the leadership of Secretary Brown. He understood and developed that in a way none of his predecessors had. Each of them made unique and remarkable and very valuable contributions to beginning to look forward to how the American economy could be strong in the decades ahead and serve our children in the same way it served us and our grandparents and our great grandparents.

But Ron Brown understood, in a sense, in a more practical vigorous way than any of the rest of us the need for the American Government to back, to partner, to encourage, to lead, to pressure, to force, to incite, to get American business to understand their own power in the international market, the quality of their product, the possibilities for them, and he got right out there with them. He got right out there with them in China at a time when, frankly, the State Department was having a little trouble with China. But he understood if you learn to produce and you learn to trade, if you force ideas, if you award intellectual property, if you reward personal energy, we as a Nation will be OK. We will be economically strong and we will be peaceful.

I remember him talking about that connection between prosperity, peace and trade, and in his own way he was as dynamic and as vigorous and as committed an individual as the world has ever produced in support of business, trade, and the economic strength and prosperity that flows from a dynamic business community in an international market.

He got out there with big companies and small. He got out there in countries like China. He got out there all over the world. And it is tragic but, in a sense, not surprising that he lost his life taking business into what was a devastated, war-torn area, because that was his idea of giving hope to a people torn, devastated; their goods, their economy, their hearts, their minds destroyed by years and years of war.

He understood that the only real bond; that healing would only truly take place when there were jobs, when there was an economy, when there was competitiveness, when there was strength, and that America could not only offer goods but we could offer hope through example. We could offer leadership through guidance.

Mrs. CLAYTON. Would the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I would be happy to yield.

Mrs. CLAYTON. I wanted to respond to her very, I think, appropriate analogy of his going to both big and large companies. He also, conversely, understood that small and big companies here in America could also experience the value of exports and what that meant to the smaller communities as well as what it meant to the big companies.

As you know, on the export council there are big businesses there, but there are also smaller businesses. Maidenform, for example, is small. It is not a big company, it started small. So it means in my district, its small subsidiary also expands as their products are sold abroad, giving jobs to Americans in their communities.

I think Ron Brown knew what the rest of us have come to understand: that for every $1 million of export we already create here $9 million of industry. And some of us do not understand that. I for one, initially, did not have that same appreciation until I was on the Small Business Export Subcommittee and had an opportunity to work with you and others, as well as under the leadership of Ron Brown, who opened, as you say, the hope, the opportunity. And it was about vision and excitement, but also it was about the possibility if people worked together.

And that is why, I think, if we are going to have this expansion and tribute to Ron Brown, it should be about us keeping that going. The greatest legacy to any of us as we leave is for someone to pick up our work and build on it and see the value of it and continue. I just wanted to thank the gentlewoman for her pushing that thought in my mind.

Mrs. JOHNSON of Connecticut. One of the things that I think is wise to remember from the death of a man like Ron Brown is that he was extraordinarily capable in many ways, and one of them was that he was an extraordinary mentor.

Mrs. CLAYTON. Yes.

Mrs. JOHNSON of Connecticut. I had the privilege to travel recently over the recess, and I ran into some of the young people that had worked with Ron. And it was really interesting to me because you do not see this all the time. Cabinet members are not necessarily either warm and fuzzy or mentors. They are important and they do a great job for America. They serve an important need. But Ron has inspired many young minds, and they are there and they will serve us. And they are both parties. Some of them are lifelong, quote, ''bureaucrats.''

And so he has passed on and was able to pass on a belief and a faith in America, in us as a free people, and in us as a governing democracy, and felt strongly the need for us to be a part of the international community both as an economic force and as a force for democracy.

I thought it was so interesting to listen to the gentlewoman from the District of Columbia [Ms. NORTON] talk about how he never saw himself as a black man. He saw himself as an American, as a man, as a power, as an individual, and as a proud black citizen. But he never felt anything stood in his way. If he wanted to do it, he had the intellect and resources to do it. And it is that legacy that inspired those he traveled with, that made a difference in the countries he went to. And it is that attitude that he leaves to those whose lives he touched.

I thank my colleague for organizing this recognition of former Secretary Ron Brown tonight. It is well deserved, and I appreciate having had the opportunity to join you.

Mrs. CLAYTON. Thank you for your comments. I appreciate that.

Mr. BEILENSON. Would the gentlewoman yield? Is it convenient for the gentlewoman to yield at this point?

Mrs. CLAYTON. I promise I will get right back to the gentleman from Nebraska [Mr. BEREUTER]. We certainly want to have his comments here. But we have also been joined by the distinguished gentleman from Michigan [Mr. DINGELL] and he wants to make a statement and we would be honored to have his statement.

☐ 1715

Mr. DINGELL. Mr. Speaker, I thank the distinguished gentlewoman for yielding to me. I want to commend her for having this special order to celebrate the life and the contributions of a great and patriotic American, our now deceased Commerce Secretary Ron Brown, who in a tragic event about 2 weeks ago lost his life with more than 30 others in a tragic air crash in Bosnia.

In the days that followed it became very clear to our citizens how much Ron Brown had accomplished in a very

short time at the helm of the Commerce Department. To those of us who serve in the Federal Government, Ron Brown is a well-known figure, a symbol of what is best in our Nation. When you work hard and strive for excellence, you attain it.

I had the privilege of serving with him in matters of concern when he was at the Commerce Department and when his agency was answerable to the Committee on Commerce of which I was at that time chairman and then more recently ranking member.

He had a distinguished career that included military service, served at the Urban League, served at the Democratic National Committee. He was successful in the practice of law and advising heads of state. And he proved time and time again that skill, adroitness, energy, dedication can be an enormous asset in getting the job done.

I will be inserting into the RECORD a number of quotes of distinguished Americans and American businesses about his contribution to our Government. I also want to make the observation that he was one who understood what the Department of Commerce should do. It was his function, as he saw it, not only to provide extraordinary leadership to that agency but also to see to it that it functioned to the fullest and that it dealt with the promotion of trade, jobs, market openings and expansion of opportunity for Americans through the business of exports, because that is where economic success for this country lies.

He was a great human being, a dear friend, and his wife Alma and he were dear friends of my wife Deborah and I. We shall miss him. We shall pray for the repose of his soul, and we shall understand that he brought excellence to the Department in the great tradition of others who had preceded him, first the distinguished Secretary Malcolm Baldrige, who was a great friend of mine and also a distinguished public servant, as also was Secretary Mosbacher, who was a leader of great quality in that agency.

We shall miss Ron. We can dedicate ourselves to carrying forward the practices and principles in which he believed, that market opening and trade, that opportunity for Americans lies in the success of that Department.

I want to thank the distinguished gentlewoman for yielding to me and for holding this special order.

Mr. Speaker, our Nation suffered a severe blow almost 2 weeks ago when it was learned that Commerce Secretary Ron Brown and more than 30 others lost their lives in a tragic air crash in Bosnia.

In the days that followed, it became very clear to our citizens how much Ron Brown accomplished in a very short time at the helm of the Commerce Department. To those of us who serve in the Federal Government, Ron Brown was a well-known figure, a symbol of what is best about our Nation: when you work hard and strive for excellence, you attain it.

Brown had a distinguished career that included military service. During his tenure at the Urban League, at the Democratic National Committee, practicing law or advising heads of state, Ron proved time and time again to be an invaluable asset to getting the job done.

Over the past year, many working Americans wrote to me about Ron Brown's work at the Commerce Department to promote exports, combat unfair trade practices by our international trade competitors, speed the dissemination of advanced technologies, and conduct research vital to understanding our climate, our weather, and the environment.

Bissell, Inc. in Grand Rapids, MI wrote that his company frequently used the Commerce Department's export programs, and that, ''they have proven to increase export sales and thus help the economy of our country.''

Viatec, Inc. in Hastings, MI said that, ''This invaluable program is an INVESTMENT that produces returns to the American taxpayers with more high-paying jobs, taxpaying citizens, and U.S.A.-purchased materials.''

A research group in Ann Arbor said the Advanced Technology Program is, ''important in transferring the results of fundamental research into practical products.''

Monroe Auto Equipment in Monroe, MI, said that Ron Brown's ''aggressive trade promotion policies of our government add value to my company's efforts to compete in worldwide markets.''

Perhaps Detroit Mayor Dennis Archer said it best: ''The Department of Commerce has been a job-creation machine for the State of Michigan and our cities.''

The last time that Secretary Brown appeared before the Commerce Committee, he said the following about his Department: ''I am anxious to work very closely with Members of Congress on both sides of the aisle to make sure we do what is best for the country, to make sure we do what is best to assure long term economic growth and creation of high wage, high quality jobs for our people. I think that no department in government does that more effectively than the Department of Commerce.''

Mr. Speaker, today Ron Brown is gone. But his life was one which touched many people, both here and abroad, and his work has left a legacy of accomplishment about the strength of a government that serves its people well. We will miss Ron Brown greatly. But his was a life that mattered, and his legacy lives on.

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman from Michigan [Mr. DINGELL] also for getting comments from the business community, because I think that is extremely important, because sometimes we think only of politicians or public servants, but Ron Brown also was essential for the ongoing expansion of business opportunity. For business persons to make that tribute I think is appropriate.

GENERAL LEAVE

Mrs. CLAYTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore (Mr. WHITE). Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Mrs. CLAYTON. We are joined by the gentleman from Nebraska [Mr. BEREUTER]. He has been very active on the President's Export Council as well. We are pleased for him to make comments.

Mr. BEREUTER. Mr. Speaker, as mentioned already with some examples here, Ron Brown was an extraordinarily multitalented man who brought great intensity and scope to his interests and his activities. You heard about his mentoring activities here and how much he stimulated so many Americans, especially young Americans, to take an active role in Government. But I did want to focus my remarks on the tremendous achievements that Secretary Brown brought during his tenure at the Commerce Department to the expansion of our trade and investment opportunities abroad.

On August 4 of last year, when we held hearings in the committee on International Relations about the future of the Department of Commerce, I said during the course of that debate that I was proud to enthusiastically and sincerely commend our late Secretary for his hard work and promotion of American commercial interests. Secretary Brown correctly realized that if the United States economy is to remain strong and vibrant in the 21st century, the United States Government must maintain and fund a comprehensive national export strategy. And he served as a very competent innovative chairman of the trade promotion coordinating committee. In that capacity he recognized, of course, and made it clear to many Americans that the United States economy is already very dependent on exports. He clearly understood that during this decade exports have to account for a much larger part of our economic growth.

Secretary Brown fought tirelessly for American commercial interests, both within the cabinet and abroad. Since taking office, Secretary Brown hit the ground running and immediately received the wrath of the Europeans for an important United States commercial airplane deal with Saudi Arabia, 15 high-level trade and investment missions. And billions of dollars of U.S. export and investment later, we bid the honorable Ron Brown, the former Secretary of Commerce, a fond farewell and thank him for his unmatched advocacy and dedication to American commercial interests. I think he set an important precedent for the Commerce Department and for our cabinet members generally in his focus on international trade and expanding our export base.

As I said, he was a man of multitalented background, a wonderful man, sincere in his working with Members of Congress on both sides of the aisle. I look back with great fondness at the relationship we had in working for expanding the export base.

I thank the gentlewoman for taking this special order and for allowing me to say a few words about one aspect of Secretary Brown's life.

Mrs. CLAYTON. I do appreciate that. I think the gentleman has experienced a working relationship and particularly in that area about which he spoke. I want to note again for the RECORD that is an effort, the President's Export Council, to have a bipartisan effort. Both Republicans and Democrats should be honoring a great man and that is as it appropriately should be.

I thank the gentleman. I am pleased to yield to my friend, the gentleman from South Carolina [Mr. CLYBURN].

Mr. CLYBURN. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, I first met Ron Brown in the late 1960s, when all of us were all about trying to find a way to get ourselves and those people that we represented into the mainstream of American activity. I grew to admire and respect him, and there was something about Ron that compelled him to bring along with him all of the young talent that he could muster in order to demonstrate to our great Nation the talent that was there for those who, given the opportunity, could make significant contribution. That to me is the real legacy of Ron Brown.

One of these young talents was the granddaughter of my doctor when I lived in Charleston, Jerry Irving Hoffman, in the late 1960's and early 1970's. And I want to join today with everybody in paying homage to that great spirit that Ron Brown gave to all with whom he came in contact.

Mr. Speaker, on Wednesday before last, as I sat in the home of Mr. Brown sharing with his wife Alma, his son Michael and his daughter Tracey, other family members and friends, hoping against hope that something, some good news would come of this event, as we sat there, watching the television, something occurred that stays with me to this day. And it is what I would like to share with all Americans today. There came to the camera a gentleman, I think he was from northern Virginia, who did not make the trip, a CEO who spoke to the world on the fact that for some reason, though he was scheduled to be on the trip, he did not make the trip. And he asked a very cogent question, and I think all of us ought to ask ourselves today, he said that he must now find out why the good Lord saw fit to keep him here. It is his job now to find out exactly what it is that the good Lord would have him do.

I think that is something that all of us who call ourselves public servants ought to be thinking about today. We are left here; we can speak of Ron Brown's legacy. We can pay homage to all that his life meant. But I think throughout it all we ought to ask ourselves the question now, what it is that the good master would have us do.

I would hope that as we go about trying to fulfill the dreams and aspirations of Ron Brown and others like him that we will keep in mind the hope and the aspirations that he gave to so many and the hope and aspirations that so many are still left looking to us to help fulfill for their futures.

Mrs. CLAYTON. Mr. Speaker, I remember seeing that same executive. He said he was not sure what God had in store for him. So part of our hope is that God has in store for him to help push what Ron Brown started. We are also pleased to have Congressman SHAYS from the Great State of Connecticut join us, and he wants to be a part of this tribute and we are delighted to have him.

Mr. SHAYS. Mr. Speaker, I definitely want to be a part of this tribute and join with my colleagues from both sides of the aisle who are here to express their love and admiration for a truly great American, a truly fine, outstanding Secretary of the Cabinet, the Secretary of Commerce.

I would first want to express my love and admiration for his wife Alma and for his very distinguished son Michael and distinguished daughter Tracey. I was not able to be at the funeral for Mr. Brown because I had two constituents who also died on that plane. And if I could I would like to just express my love and admiration for Claudio Elia, who died on that plane, and for his two magnificent children, Kristin and Marc, who just were real soldiers during their dealing with their grief, and for his magnificent wife Susan, and also for Robert Donovan, who also died, and for his truly outstanding two children, Kara and Kevin, who just seem to deal with this agony and grief in a way that I could not help admire, and for his precious wife Peg, two people from the 4th Congressional District who died on that plane because they wanted to be with Ron Brown on this very important and, in fact, dangerous mission to bring trade and economic growth and some sense of hope to people in Yugoslavia, to give them a sense that maybe their day would be a little brighter.

I have admiration for Ron Brown for leading this. I did not have direct contact with him in my capacity on the Committee on the Budget or the Committee on Government Reform and Oversight, but he came to my office twice to talk about the importance of the Department or Commerce, and I was just struck by his incredible energy, highly intelligent man, and just an admiration for realizing that I was sitting in the same room with an individual who at the depth, I think, of a party challenge, taking on being the chairman of a great party, the Democrat Party, taking on the role of trying to select a Democrat President, a President, electing a very distinguished Governor and thinking that the immense task that must have been as he was talking with me and the incredible talent it must have taken to bring all the different people he had to bring together to accomplish that task.

I am here to salute him as a very capable Secretary of the Department of Commerce, a very capable individual, someone who I respect as being a joyous warrior, someone who I felt instantly I could tell him very candidly what I thought and that he would respect me as another individual in the same environment he was, a political environment.

I think the real tragedy is that not just one segment of our society, not just the Democrat Party, not just the black community, but all of America has the right to truly grieve that we have lost a young man who in the last 5 to 10 years was a dynamic force in this country, who maybe one day would have been in fact President of this United States, who would have been clearly a force in the next decade or two.

☐ 1730

So I thank you for giving me this opportunity to express my admiration for him and for being part of this very important tribute. Again, I would close by expressing my love and affection for the family and say that, while I was not in Washington to listen to the tribute the night before, since I was at a funeral service when his service was taking place, but for hours I watched the tribute and wished that I could have been there in person to actually enjoy it even the more. I thank you for this time.

Mrs. CLAYTON. Indeed it was a celebration of his life that we watched, rather than a tragedy.

Mr. SHAYS. It was a celebration of life, period, and of this great country.

Mrs. CLAYTON. We are also joined by my colleague, the great Congressman from Texas, Mr. DE LA GARZA. He has asked to participate as well.

Mr. DE LA GARZA. Mr. Speaker, I thank the gentlewoman for giving me this time and to join my other colleagues in expressing our sense of loss individually, collectively as a Nation, and even the world, due to the loss of our friend, Ron Brown.

Let me say first that I am mourning his loss because he was my friend. But we as a Nation lost a great American. I cannot add to the adjectives that have been mentioned or will be mentioned about Ron Brown, but I only would like to mention a couple or three of my personal remembrance of him.

One was that he was a man that no task was too small, no challenge was too large. He did what he had to do. He did it in a gracious, eloquent manner also, always without fault, and I would like to remember also that the most minute things and the way that he handled items as a person, all we know as Secretary of Commerce, what he did and how he did it, and throughout the world and here, but before the last Democratic Convention, I called over to the Democratic Committee, and this is when he was chairman of that committee, that I wanted to be sure that some mention was made of agriculture in the speeches and at the convention, and I left it at that.

The next afternoon I had a call from Ron Brown, which I never expected. I

was just speaking with the people that were organizing the program, and he says, ''Mr. Chairman, would you think that I would leave agriculture out of this convention?''

I say, ''No, I wouldn't have thought so, Ron, but I just wanted to be sure to remind whoever it was organizing the program.''

He says, ''Well, agriculture will be addressed, and you will be a speaker.'' And so it was. And so it was.

How it got from the person I spoke to and much lower levels to Ron Brown I do not know, but the only explanation is that he was looking at everything that was going on. And so I had the great honor of speaking at the national convention because of the request of Ron Brown.

Again, also when we were working so hard on NAFTA, most of you, not all of you, remember how he worked on the Hill, how he worked throughout the United States. But I wanted to have a joint meeting with our friends from Mexico, and I appealed to him, if he could be of assistance. His answer to me was, ''When do you want me?''

So we set a date. We invited his counterpart from Mexico, and they met in McAllen and Hidalgo, TX, and we had a great meeting, and there I saw him working, the people from Mexico and the people from south Texas.

But one of the most interesting things, and it has been mentioned before, he had a way with young people, children. At the meeting that we had, open meeting with several hundred people, it was a young person that walked up to him and visited with him, and he visited back as if that young man or that young woman was the most important person at that event that day. And there we had Secretary of Commerce from Mexico, the Secretary of Commerce from the United States, assistants, needless to say, the local Congressman, but to him at that point was, and I recall this very vividly, that young lady that was asking him questions about the Department of Commerce and, I think in the end, how she could get a job at the Department of Commerce.

He never flinched or missed a beat, and he says come see me, I will be happy to talk to you.

That is the kind of individual we personally will miss.

Certainly the country has lost a tremendous American, the world has lost a tremendous individual, and I think it has been mentioned before, but the legacy of Ron Brown should be what we continue doing that he did not have time to do. And I hope that that would be our dedication.

I extend on behalf of my district and myself my condolences to the family, to all his family, and we share because it was our loss and we will mourn him. But more so, we should dedicate ourselves to that which he tried to do. To him there was no black, no brown, no white, no red. Everyone was a creature of God from his beginning to the very end, and that he died on a mission trying to enhance U.S. commerce, but yet trying to help downtrodden people was probably the major culmination, the major thing, of what Ron Brown was.

There was no small, there was no large, there was no one but the individual before him, and I saw him do that, and we will forever remember him in that manner. I thank the gentlewoman.

Mrs. CLAYTON. I thank the gentleman for those very appropriate and sincere remarks, and I want to insert that he was indeed a friend of agriculture because North Carolina understands that very well, in making opportunities in Russia for turkeys and poultry and other places that we could have in that area.

We are pleased to be joined by a Congressman from Indiana, Congressman JACOBS. He also wants to be a part of this tribute.

Mr. JACOBS. Mr. Speaker, he was no longer a warrior, but he died in a war torn country.

He died not that others might live, but that others, many others, including Bosnians and Americans as well, might live better.

He was and, in the inspirational sense, remains an authentic American hero. ''We shall miss his bright eyes and sweet smile.''

May God forgive those who were so ready to bear false witness against him.

Mrs. CLAYTON. Thank you very much.

Congresswoman COLLINS from the great State of Illinois has joined us, and she will now make a tribute.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise to pay special tribute to Secretary Ron Brown and to express my sincere condolences to his wife, Alma, and to their family. My heart goes out to them because I understand full well what they have gone through, having gone through something like this myself.

Ron was a great man, and we have heard about his strength, his vision, and his compassion for people. Tributes have come from the broadest possible range of people, including the President of the United States and foreign dignitaries, to the lowest ranking workers of the Commerce Department. I believe that these statements best serve as testimonials. They are the very best testimonials to a man many of us had the honor to know and to admire. But let me add just a few observations.

Secretary Ron Brown might best be remembered as a man who saw opportunity where others saw none. He will be missed as a crucial bridge between the privileged and the underserved in our society. For Ron Brown believed, above all else, that the greatest asset America has is the diversity of its population. Secretary Brown understood that America's prosperity depends on our ability to become more competitive in emerging economic markets around the world.

American exports equal American jobs, and he knew this, and that is why he was on the mission that he was on. He knew that developing countries needed real economic investments and not handouts, economic investment with which to demonstrate that a market economy works; economic development, in turn, can lead to real democracy.

And that is what he was all about. He was about building America, about creating jobs, about making sure that democracy is all over this world because we all know that it is a system that has worked and works well, better than any other in the world.

It seems to me that those of us who knew him well and have known him for so many years understood that. We understood that when he smiled, it was a smile of friendship, when he extended his hand, it was a hand of welcome from those across the shores to those of the shores of the United States of America.

When we saw him in office all throughout his many achievements throughout his short lifespan, we knew that here was a man of great thought, of great compassion, of great wisdom.

I stand here because I know that Ron Brown was my friend, and I know in my heart that this country will miss him, a man of his dedication and a man of his strength.

Mr. Speaker, Secretary Ron Brown might best be remembered as a man who saw opportunity where others saw none. He will be missed as a crucial bridge between the privileged and the underserved in our society. For Ron Brown believed above all else that the greatest asset America has is the diversity of it population.

Secretary Brown understood that American prosperity depends upon our ability to become more competitive in emerging economic markets around the world. American exports equal American jobs. Those emerging markets are located in Africa, Asia, and Latin America. America's racial diversity could be our most important asset in corporate efforts to gain market share in these emerging regions. Ron Brown was harnessing our racial diversity in a way that was good for American business, good for American jobs and good for developing nations.

Secreatry Brown knew that developing countries need real economic investments not handouts. Economic investment will demonstrate that a market economy works. Economic development in turn can lead to real democracy.

While many in the United States are willing to use this approach in Eastern Europe and Asia, there is a conspicuous absence of American investment in Africa. Secretary Brown was especially concerned about the willingness of many in the United States to concede the markets of Africa to its former colonizers in Europe. Unbelievably only 7 percent of exports to Africa come from the United States while 40 percent come from Europe. This makes no sense when the return on investment in Africa is 25 percent, outstripping any other region in the world. Ron Brown was helping American companies change this equation.

Secretary Brown was also a tenacious fighter and advocate. As the ranking minority member of the Committee on Government Reform and Oversight, I worked with Secretary Brown in opposing efforts to dismantle the Commerce Department. When many political pundits on Capitol Hill were predicting the imminent demise of the Commerce Department because it had become a favorite target of the new majority, Ron Brown never wavered in his eloquent defense of the Department and its employees.

Secretary Brown used his considerable skills to clearly and forcefully articulate the folly of eliminating the Commerce Department at a time of economic globalization. When the central governments of countries like France and Japan are promoting their businesses, the United States Government cannot afford to abandon its efforts to identify and win export opportunities abroad.

Under Ron Brown's leadership, our Government developed a national export strategy to help small, minority, women-owned, and large companies, win export sales abroad. His efforts paid off in more than $80 billion of foreign sales for American firms that supported thousands of high-paying jobs for American workers.

While Secretary Brown was always open to exploring new export opportunities abroad, he was also never afraid to stand up for the rights of U.S. business in foreign markets. When foreign steel producers dumped steel in the U.S. at below fair market prices, it was the Commerce Department under Secretary Brown that took the action which led to the imposition of duties on foreign steel.

Secretary Brown was also one of the strongest defenders of the United States movie, computer software, and recording industries rights against intellectual property rights violation in China. Secretary Brown firmly believed America's economic strength greatly depends on our ability to safely and freely market intellectual property in foreign markets.

Secretary Brown's efforts were not focused on foreign markets alone. He played an instrumental role in directing funds so that small town throughout our country could gain access to the information superhighway. He insisted that the new telecommunications law, ensure universal service and open access for all communities in our country, including inner city areas. For Ron Brown, the information superhighway represented future social and economic growth. He was determined that all Americans would benefit from these historic changes.

Finally, for African-Americans Ron Brown served as an important role model. His life demonstrated to many young African-Americans that they can thrive in non-traditional roles. As the first African-American chairman of the Democratic National Committee he was the one person most responsible for the election of President Clinton. As the first African-American Secretary of Commerce in our Nation's history, Ron Brown was by any objective standard the most effective Secretary of Commerce I have ever witnessed in my 23 years in the Congress. Ron Brown was a shining example that African-Americans can lead this Nation and the world into the 21st century.

His life was also a caution to African-Americans that your efforts to move beyond traditional roles may be met with resistance. The rules for you will be different than the rules for anyone else. Therefore, if you are to succeed, you must be willing to out perform others. You will need to work harder, and smarter in order to be successful. But if you stay focused and keep your eyes on the prize, and are given the opportunity, Ron Brown's legacy demonstrates that there is nothing that African-Americans cannot accomplish.

Mrs. CLAYTON. Thank you very much.

We are also joined by the Congresswoman from Maryland.

Mrs. MORELLA. Thank you. I do want to thank Congresswoman CLAYTON for doing this. I think it is very important that we pay tribute to a man who has died too young, who served his country so well, and I know others will join by memorializing Secretary Ron Brown by virtue of submitting statements.

I just want to say that there is a vacuum in the world, there is a vacuum in the country, there is a vacuum in the hearts of country men and country women because of the untimely loss of Ron Brown. He is a man who is dedicated to his country, to his community, to his profession to a ''T'', to his family especially, and certainly to his friends.

I became acquainted with Ron Brown because as somebody who is involved with the technology subcommittees, as chair of it, under our jurisdiction is the National Institutes of Standards and Technology and the Technology Administration, and obviously all of this is part of the Department of Commerce. I have never found anybody who would work so perseveringly, indefatigably, and with a tremendous sense of humor and with a tremendous ability for what he believed.

As a matter of fact, today we were originally to have had a groundbreaking of a chemistry building on the campus in Gaithersburg of the National Institute of Standards and Technology and a field hearing at the same time because of the passing of Secretary Ron Brown and the high esteem in which he is held by all of those people who are employed not only in all of the facets of commerce and especially the National Institute of Standards and Technology. This has now been postponed for a later date. People were grieving so, that they really felt that they could not go on with another undertaking of that nature. Certainly there will probably be a dedication in a time when it does indeed take place.

I found him to be a man who did have a sense of humor and a sense of commitment, defended his Department very well and could work on both sides of the aisle. There was no real aisle when it came to performing what he truly believed in, and I had the opportunity a week and a half ago to go to India, and I spoke to Americans who were engaged in enterprises in India as well as the Indian nationals who were involved in industry and business.

□ 1745

They mourned, they mourned greatly the passing of Ron Brown. It occurred at that time, because there had had a very successful trade mission just last year which opened all kinds of avenues and markets for America to participate in the great world market.

Mr. Speaker, I simply feel that, as Shakespeare said, the force of his own merit led his way, and indeed it did. He will be missed. He will, however, go on, live on in love, and I hope he will be an inspiration to us. I offer my condolences, obviously, to his beloved wife Alma, and to his two children, Michael and Tracy.

Mrs. CLAYTON. Mr. Speaker, we also join with the gentleman from the Virgin Islands [Mr. FRAZER] who will join in this tribute to Ron Brown.

Mr. FRAZER. Mr. Speaker, I want to thank the distinguished gentlelady from North Carolina for holding this special order for the late Secretary of Commerce Ronald H. Brown.

Secretary Brown served our Nation with distinction, service, and honor. He provided the vision, and the leadership to promote American business abroad. He understood that in order for American business to succeed abroad they needed to have the full support of the U.S. Government. He used his office to open doors and provide opportunities for large and small businesses. This support is characteristic of how Secretary Brown served this Nation and American business with distinction.

Secretary Brown was accessible and available to the people of the Virgin Islands. He sent his Assistant Secretary for Economic Development to assess the rural economic development needs of the Virgin Islands and to map out a strategy. It was Secretary Brown who understood how vital the U.S. tourism business was to the Virgin Islands and was working with us to help promote tourism through the international trade administration.

Secretary Brown elevated the Commerce Department to a new standard of honor—where business and government can work together for the good of the Nation. Today, the Commerce Department is at the international vanguard for American business. This stature is due to Secretary Ronald H. Brown's vision, leadership, and astute business intellect.

Mrs. CLAYTON. Mr. Speaker, we will ask the gentleman from Georgia [Mr. LEWIS] if he will share also. I have been advised that we have 3 minutes remaining, unfortunately, to all those who would participate in our tribute.

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to pay honor and tribute to our late Secretary of Commerce, Ronald H. Brown. No words I can utter on this House floor today can do justice to this great man, patriot, and public servant. I want to personally express my great sense of loss at the passing of this good and decent man and extend my condolences to his family: to his wife Alma, his son Michael, and his daughter Tracy. Their loss, Mr. Speaker, is our loss, our party's loss, and our Nation's loss.

I first met Ron Brown more than 30 years ago while vacationing on Martha's Vineyard. I was immediately struck by his boundless energy, charisma, sophistication, and style. Even back then, one only had to spend a little time with Ron to know that he was a rising star. And so I was never surprised as I followed Ron's career and watched this man grow and develop, first as a young lawyer, then as a leader in the National Urban League in New York and later here in Washington, as the chief counsel for the Senate Judiciary Committee and later as a partner in a prestigious Washington law firm and as the chairman of the Democratic Party.

Ron Brown was born in Washington, DC, and raised in Harlem, NY, and though he worked his way to the heights of the business and political worlds in our Nation, he never forgot where he came from. He never forgot how to speak with people. He never forgot who it was that needed help and hope and opportunity. Ron spent his life and gave his life creating opportunity for those less fortunate, for those who had not yet climbed up the economic ladder.

Ron Brown was a bridge-builder. Through his actions and his words he was working to build what Dr. Martin Luther King, Jr. called the beloved community, a community at peace with itself, where people are not judged by the color of their skin but by the content of their character. Ron believed in creating opportunity for all Americans and he used his position as Secretary of Commerce to promote American business abroad and economic development in communities where it was desperately needed.

Robert Kennedy was fond of quoting George Bernard Shaw: ''Some men see things as they are and ask why,'' Shaw wrote, ''I dream of things that never were and ask why not.'' Ron Brown did dream of things that never were and ask why not. He dedicated his life and gave his life to promote the country that he loved and to better the lives of the people of this country.

Ron Brown will live in the annals of American history, not just as the first African-American Secretary of Commerce, but as perhaps the best, most effective, and most accomplished Secretary of Commerce in the history of our Nation.

Mr. Speaker, I, like so many others will miss Ron Brown. His energy could light up a room. His enthusiasm could inspire people to reach their greatest God-given potential. His vision and foresight returned the Presidency to his party. His counsel and guidance and wisdom will be sorely missed as we tackle the problems that face our Nation. One of what President John F. Kennedy called our best and our brightest has been taken from our midst.

Those of us who knew Ron Brown were more than lucky, we were blessed.

Again, I want to extend my condolences to the Brown family and thank you, Mrs. CLAYTON, for arranging for this special order.

Mrs. CLAYTON. Mr. Speaker, on a hillside over Bosnia, this Nation lost 33 dedicated and committed Americans.

Among those lost was the man we pay tribute to today, Secretary of Commerce Ron Brown.

We pay tribute to Secretary Brown because, in the finest tradition of America, he gave his life, in service to his country, while promoting peace in a region torn by war.

This tribute has been organized by those of us who serve on and who have participated with the President's Export Council [PEC].

Secretary Brown was a public sector member of PEC, and the driving force behind a notable private-public partnership, whose mission is to expand U.S. exports abroad.

At the very first meeting of PEC, on February 13, 1995, President Clinton attended, and Secretary Brown welcomed and swore in the appointees.

Secretary Brown emphasized that he would regard PEC members as the board of directors of America's National Export Strategy, first implemented in September of 1993.

And so, Mr. Speaker, we think it only fitting that the PEC ''Board of Directors'' lead a tribute to the person who, in our minds, was the chairman and chief executive officer of America's effort to achieve free and fair trade and to give a chance to U.S. businesses of all sizes to market their goods and services abroad.

Ronald Harmon Brown was born in Washington, DC, on August 1, 1941.

He was raised in Harlem by his parents, attended Middlebury College in Vermont, was commissioned an officer in the Army and spent time in West Germany and Korea—surely the seed of foreign trade was planted at this time.

When he left the Army, he joined the National Urban League as a welfare caseworker, evidencing early in his career a dedication to public service. At night, he attended law school.

Shortly after law school came his first foray into politics, when he was elected district leader of the Democratic Party in Mount Vernon. Immediately, he became known as one who could build bridges and close divides.

In 1973, he moved back to Washington, DC and, following a series of public and private-sector positions, on February 10, 1989, he was elected by acclamation as the first African American chair of the Democratic National Committee.

The rest is history, as Ron went on to help elect President Clinton and to be asked to serve as Secretary of Commerce.

In a relatively short period of time, he made giant strides, distinguishing himself, making his mark in many places, leaving his permanent imprint on the sands of time.

Neither race, nor color, nor religion, nor background, or any of those false barriers stood in his way. We could always count on him to fight another fight, to write another chapter, to run another race. Secretary Ron Brown will be sorely missed.

He will be especially missed for his work with PEC in behalf of U.S. exports and his efforts as Secretary of Commerce. One of his last appearances in the United States was at the most recent meeting of PEC. At that meeting, he shared his thoughts and plans on the Bosnia/Croatia trip, as well as uncommon insights he had gathered about trade around the world.

From that meeting came the proposed PEC ''Statement of Principles'' concerning export administration. Those principles reflected Ron's vision and wisdom—declaring exporting as a right of every American citizen, not a privilege, as early versions of the Export Administration Act had stated.

And, those principles outlined what America's position should be on export restrictions, seeking to make sure, as Ron always did, that there is a level playing field throughout the world and that no one nation could assume an unfair competitive advantage in an increasingly competitive marketplace.

While those proposed principles reflected Ron's views, they were shaped and will be reshaped by all members of PEC, public and private, and certainly included the view of those business and corporation representatives who served.

Indeed, Ron's work and the work of PEC made certain that businesses of all types, politics aside, could benefit from the renewed trade efforts, and they did.

During his tenure, important groundwork was laid, major breakthroughs were experienced, and future prospects for peace and prosperity were cemented. And, while Ron was a deeply committed Democrat, on the matter of free and fair trade, he was first an American. Party took a second seat to the goal of expanding exports.

Ron knew what many of us have now come to know. For every $1 million we make a available to finance exports, we generate a $7 million return, and, more importantly, we create new jobs.

In the First Congressional District of North Carolina alone, there are more than 450 companies that manufacture goods of foreign markets—and nearly two-thirds are small- and medium-sized businesses, employing less than 100 people.

All in all, eastern North Carolina ships more than $1.3 billion of goods overseas each year. Indeed, in 1994, 270,000 new jobs were attributed to North Carolina, exports, generating some $13.7 billion in revenue, a 21.7 percent increase. In 1994, North Carolina ranked 10th in the Nation in exports.

More and more, the economic well-being of our region and our State depends on our ability to sell our products to other countries.

Clearly, our ability to generate good jobs in the future is tied to exports and the ability of local companies, small and large, to exploit opportunities in other countries.

As a member of the Subcommittee on Procurement, Exports, and Business Opportunities of the House Small Business Committee and an appointee of PEC, I have learned a great deal about the relationship between exports and better jobs.

I have come to appreciate eastern North Carolina's unique combination of harbors at Wilmington and Morehead City, a strong interstate system, and a state-or-the-art air shipping facility at the proposed Global Transpark in Kingston which makes our area particularly well-suited to be involved in the export boom.

I've been working with community leaders to have the proposed Global Transpark designated a free-trade zone, which would make it a hub for international shipping. If we are successful, the seafood caught off our shores

in the morning could be someone's dinner in Japan the next day.

According to the U.S. Department of Commerce, for every $1 billion in exports, 20,000 jobs are created.

U.S. exports of goods and services can reach $1 trillion by the beginning of the next decade and can produce over 6 million new jobs. This could mean, by the year 2000, more than 13 million Americans who will be earning their living as a direct consequences of exports.

But businesses, large and small, usually face three challenges when they begin to look to other lands, gaining access to the capital needed to open new product lines or modify existing ones for overseas consumers, attaining technical training vital to dealing with other governments, and finding the information about regulations, American and foreign, and trade practices in other countries.

Secretary Ron Brown, through the Department of Commerce and the President's Export Council had undertaken, like never before, to remove those barriers to exporting, to overcome the challenges.

Mr. Speaker, the greatest tribute we can give to Ron Brown and those 32 other Americans who perished in Bosnia, is to keep their work going and make their dreams come true. That is a tribute in which Democrats and Republicans, small, medium, and large businesses, and Americans of all stripes can join.

Growth in real incomes and living standards depends heavily on trade.

Secretary of Commerce designate Mickey Kantor recently noted that expanding trade is critical to creating good, high-wage jobs.

The 11 million Americans who owe their jobs to exports are earning 13 to 17 percent more than those in nontrade jobs. Ron Brown had the right idea.

I invite my colleagues to join me in keeping that idea burning and in creating a living legacy for a man who lived his life in sacrifice so that millions of his fellow citizens could live their lives in pride.

Mr. TRAFICANT. Mr. Speaker, today I would like to honor the memory of the late Secretary of Commerce Ronald H. Brown. A true leader. A successful, fearless man who loved the big things: his family, his friends, his country, his work, his African-American heritage. And those are the important things. He was passionate and devoted to each. To his wife, Alma and his children, Michael and Tracey, please known that no man could have lived a more blessed and successful life. God be with you.

Mr. MATSUI. Mr. Speaker, I rise today to honor the late Ron Brown. Secretary Brown's tragic death on April 3 robbed our Nation of a highly distinguished and talented leader. Throughout his career, Ron Brown made the most of every challenge that confronted him. As Secretary of Commerce and in his other work, he dedicated himself to creating opportunities for others.

I first met Ron when he ran Senator EDWARD KENNEDY's 1980 Presidential campaign. But I didn't begin to fully appreciate Ron's talents until 1991, when, as chairman of the Democratic National Committee, he asked me to join him as treasurer of the DNC.

In that capacity, I witnessed first hand Ron's vision and leadership. He had an uncanny ability to bring disparate factions together and a capacity of persuasion that was literally unparalleled. I believe it was Ron's early work on the Presidential campaign of 1992 that enabled then-candidate Bill Clinton to emerge from the Democratic Convention with the momentum and resources that ultimately resulted in his victory.

Another of the many distinguished legacies that Ron Brown leaves is the dramatic results of his tireless advocacy on behalf of American businesses in his 3 years as Secretary of Commerce. Ron worked closely with businesses large and small to identify new opportunities and to promote American products. He recognized the tremendous potential that foreign markets held and knew that American firms must seize this opportunity if our Nation was to thrive as it entered the 21st century.

He worked effectively as a peer with the most powerful business leaders in our Nation, yet Ron Brown never lost his ability to identify with and related to average Americans. He was greatly beloved in his boyhood home of Harlem and left strongly positive impressions among the people he came into contact with while traveling throughout the country.

Ron's leadership, keen intelligence, and passion will be greatly missed by all those who knew him personally and his loss will continue to be felt by many more whom he impacted through his work. I am a better person for having known Ron Brown, and I deeply mourn his passing.

Mr. DIXON. Mr. Speaker, we are all horrified by the untimely death of the Honorable Ronald Harmon Brown, a man of incredible ability who was loved and respected across the globe. In searching for words to appropriately honor him, I recalled the following tribute, which I had the privilege of inserting into the CONGRESSIONAL RECORD on August 4, 1995.

TRIBUTE TO SECRETARY OF COMMERCE RONALD H. BROWN

Mr. Speaker, as we prepare to return to our districts where many of us will be meeting with community and business leaders concerned about economic development opportunities in our neighborhoods, I want to use this occasion to salute the outstanding accomplishments of a gentleman who has worked tirelessly to promote the cause of business and economic opportunity throughout the United States and abroad. The Honorable Ronald H. Brown, our distinguished Commerce Secretary, is to be applauded and commended for the outstanding job that he has done in serving as the administration's enormously adept ''Pied Piper'' of economic opportunity and empowerment.

Ron Brown is the 30th United States Secretary of Commerce. In nominating him to this auspicious post, President Bill Clinton noted that ''American business will know that the Department of Commerce has a strong and independent leader and a forceful advocate.'' Those of us who have been privileged to know Ron can attest to his outstanding leadership acumen and his tenacity and considerable powers of persuasion. He is a skillful negotiator and an indefatigable advocate on behalf of America's economic interests abroad as he seeks to expand and open markets for American-made products around the globe.

Ron's career has been structured around public service and helping to make America a better place for all of her citizens. A native Washingtonian, he grew up in New York where his parents managed Harlem's famous Hotel Theresa. He attended Middlebury College in Vermont and received his law degree from St. John's University. He is a member of the New York Bar, the District of Columbia Bar, and is admitted to practice before the United States Supreme Court.

A veteran of the United States Army, Ron saw tours of duty in Germany and Korea.

Secretary Brown has had an eclectic career. He spent 12 years with the National Urban League, serving as Deputy Executive Director, and General Counsel and Vice President for the organization's Washington operations. He also served as Chief Counsel for the Senate Judiciary Committee. He is a former partner in the Washington, D.C. law firm of Patton, Boggs, and Blow. And who among us does not remember the brilliant job that he did as the Chairman of the Democratic National Committee and 1993 Inaugural Committee.

As Secretary of Commerce, Ron has traveled extensively, promoting the administration's trade policies and forging sound private/public sector partnerships. Following the Los Angeles, Northridge earthquake in January 1994, Ron was one of the first cabinet officials on the scene, working with local, State, and Federal officials to identify and earmark funding sources for businesses severely damaged and/or destroyed in the quake. He has since returned to the quake damaged areas on several occasions to survey the progress made by programs implemented under this aegis.

Ron maintains a schedule that would tire men half of his age. Yet he is always prepared to go wherever he is needed, and he always does it with aplomb and with a spirit of unyielding optimism that inspires all around him to achieve the same level of commitment.

In addition to his weighty responsibilities as Commerce Secretary, Ron serves on several presidential boards and councils. He is a member of the President's National Economic Council, the Domestic Policy Council, and the Task Force on National Health Care Reform. He serves a Co-Chair of the U.S.-China Joint Commission on Commerce and Trade, the U.S.-Russia Business Development Committee, and the U.S.-Israel Science and Technology Commission.

Secretary Brown is also a member of the Board of Trustees for Middlebury College and is chair of the Senior Advisory Committee of the Institute of Politics at the John F. Kennedy School of Government at Harvard University.

Mr. Speaker, I am proud and honored to have this opportunity to commend my good friend, Secretary Ronald H. Brown, on the fine job that he is doing as our Secretary of Commerce. He has led an exemplary career, and I have no doubt that he will continue to lead and inspire. Please join me in applauding him on an outstanding career, and in extending to him, his wife Alma, and their two children, attorneys Michael and Tracy, continued success in the future.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to note with appreciation the many achievements and inspirational life of Commerce Secretary Ron Brown. With his constant good will and hard work, he was able to build bridges where there once were valleys and hope where there was once despair. Secretary Brown used the power of the Commerce Department to find ways to give opportunity to ordinary Americans, to generate jobs for the American economy, and to build futures for American citizens.

One could look at Ron's life as a series of firsts. That would be a disservice, for in fact, his life was a series of first place and solid accomplishments. Ron Brown always believed that we would succeed. Whether as a student at Middlebury, staff person to Senator KENNEDY, or top campaign aide to the Senator, Ron was a success. As chairman of the

Democratic National Committee, Ron was a success. A lawyer, a skillful negotiator, a pragmatic bridge builder, and past highly successful chairman of the Democratic National Committee, Secretary Brown strongly believed in the promise of America and aggressively advanced polices and programs to accelerate the Nation's economic growth and create new jobs and opportunities for all American people.

Under his leadership, the Commerce Department became the powerhouse envisioned by President Clinton. Secretary Brown promoted U.S. exports, U.S. technologies, entrepreneurship, and the economic development of distressed communities throughout the Nation.

He led trade development missions to five continents, touting the competiveness of U.S. goods and services. During his tenure, U.S. exports reached a record high, America regained its title as the world's most productive economy, and exports and technology were key contributors to the millions of new jobs created during the first 3 years of President Clinton's administration.

Mr. Speaker, my prayers go out to his wife Alma, son Michael, and daughter Tracy. Their strength and courage were displayed during Secretary Brown's funeral service and they should be forever proud of their husband and father.

I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I rise this evening to honor the memory of former Secretary of Commerce Ronald H. Brown, an American pioneer, patriot, and hero. Secretary Brown was also a dear friend. I am sure that my sense of loss is shared by many who work, or have worked, on Capitol Hill. In 1979, Secretary Brown became the first African-American to serve as a chief counsel for a standing Senate committee when he took over the Senate Judiciary Committee. As was the case throughout his career, his service on the Hill helped to chart a new course of participation for African-Americans within the corridors of political and public policy decisionmaking.

Being the first, being the only, being a pioneer, was the former Secretary's calling card. He was the first African-American to join a social fraternity during his undergraduate days at Middlebury College. An Army officer, he was the only African-American officer in his unit during his tour of duty in Germany. He was the first African-American partner in the law firm of Patton, Boggs & Blow. He was the first African-American to head a major political party. Finally, he was the first African-American to head the Department of Commerce.

Upon nominating Ron Brown to be the 30th U.S. Secretary of Commerce, then-President-elect Clinton declared, ''American business will know that the Department of Commerce has a strong and independent leader and a forceful advocate.'' The President could not have been more prescient, nor could have made a more brilliant appointment.

Under the leadership of Secretary Brown, the Commerce Department became one of the major success stories of the Clinton administration. He launched a national export strategy predicated on the very basic idea that American exports translate into jobs and opportunities for American business and working people. In the pursuit of this strategy, Secretary Brown conducted trade mission after trade mission abroad. He traveled most often to what he liked to call the big emerging markets of Asia, Latin America, and Africa.

The trip on which Secretary Brown and his 34 colleagues lost their lives was typical of his missions. It was visionary in the most practical sense of the word. It was practical in the most visionary sense of the word. He had the vision to see that beyond the horrors of war wracking Bosnia and Croatia, lay opportunities for American business to be of service, as well as to engage in commerce. He was grounded enough in the realities of that conflict to understand that the road to peace lay in the rebuilding of those shattered communities.

When Secretary Brown's plane crashed into that mountain on the way to Dubrovnik, an American patriot became an American hero. He is no less a hero because he died in an accident. He is no less a hero because some persons serving in this Congress have spent an inordinate amount of time besieging him and undermining the Department he led so brilliantly. He is a hero because he died in the service of this Nation, pursuing its interests at the cutting edge of diplomacy and peacemaking.

I would be remiss if I did not comment on Secretary Brown's meaning to me as an African-American public servant. Secretary Brown could not be mistaken for anything else than what he was, an African-American. He did not deny that fact, nor did he allow that fact to limit his personal or professional horizons. To be sure, Secretary Brown did everything within his power to help African-Americans. Beyond that, he did everything he could to find points of convergence between the interests of America, African-Americans, and Africa. But he never allowed himself to be the black Secretary of Commerce, nor, for that matter, the black head of the Democratic National Committee, or the black anything else. Ron Brown was the Secretary of Commerce, in the service of each and every American, hyphenated and unhyphenated.

It is often said that a picture is worth a thousand words. I agree, a thousand and sometimes more. The picture that I have in mind is that of President William Jefferson Clinton presenting an American flag to Mrs. Alma Brown at Arlington National Cemetery on Wednesday, April 10, 1996. That picture says it all. Secretary Brown's life was a life of service in the public arena in the pursuit of justice and opportunity. It was the life of an American pioneer, patriot, and hero.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I would like to take this opportunity to pause with my fellow colleagues to remember our friend Ron Brown. As many have already said, Ron Brown was an exceptional person with a deep love for his family, friends, and country. Today, I would like to honor his memory by celebrating some of his achievements as Secretary of Commerce.

Our record in international trade will ultimately define the future prosperity of our Nation. The ability of our work force to meet the new challenges of the global economy and compete for high-skill high-wage jobs of tomorrow will be critical. No one understood these principles more than Ron Brown

As Commerce Secretary, Ron Brown expanded our international role by reaching out to countries all over the globe, and by strengthening the foundations of our domestic economy. His work to improve our trade balance, increase overseas opportunities, and create domestic jobs helped to prepare the United States for the next century. In my State of Rhode Island he genuinely made a difference.

Last summer, Secretary Brown visited with me in my office to discuss the many programs at Bryant College that focused on improving our State's economy by investing our resources in international business. We talked about Bryant's existing initiatives like the Rhode Island Export Assistance Center and their innovative International Trade Data Network [ITDN]. The purpose of ITDN was to help create and distribute practical information and data that will enable businesses to effectively and realistically target their export efforts to actual opportunities. For Rhode Island, the programs at Bryant were a way to reduce the effects of defense downsizing and struggling economy.

Secretary Brown saw the impacts that international trade could have on local economies and later visited Rhode Island twice to see Bryant College and various other initiatives first hand. He took the time to investigate our latest ideas and offer the support of this Department. Truly, Ron Brown led by example.

In the end, Ron Brown died as he lived: a dedicated patriot who selfessly give his all for friends and country. As a nation we are forced to continue without him, but his time with us all will be remembered as a time of progress, learning, and achievement.

Ms. SLAUGHTER. Mr. Speaker, today I join with my fellow colleagues to pay tribute to a truly great American, the late Secretary of Commerce, Ron Brown. To many of us, Ron Brown was not only a cabinet member with an impressive record of accomplishment, but he was also a dynamic party leader, a trailblazer in the business world, a ferocious advocate for the business community as well as those in need, a role-model for blacks and whites alike, and a dear friend.

I will remember Ron for his charming and captivating persona, for his astute mind, and for his love of country. Ron Brown was full of energy and enthusiasm in each endeavor that he undertook. As Chair of the Democratic National Committee, Ron utilized his skills in bringing people together and motivating them to work toward a common goal, and that propelled the Democratic party to victory in 1992.

In his capacity as Commerce Secretary, Ron Brown was masterful in seeking out and opening up new markets to U.S. businesses. I know firsthand of his tremendous talent in bringing together the public and private sectors in partnerships. A perfect example of this is in my home district of Rochester in which Ron displayed his immense support of Eastman Kodak Corporation's efforts to halt unfair trade practices that were detrimental to Kodak. Upon Ron Brown's insistence, the International Trade Commission concurred and steps were taken to address the inequities.

Ron was such a wonderful and unique leader because he recognized his role as Commerce Secretary was broader than simply promoting American business and trade in foreign lands. He also used his position to help ensure the peace and stability that would provide the foundation for a stable economic base in tormented nations such as Bosnia and Croatia.

Ron died in the midst of an important mission. And he died doing what he did best: building bridges between people and building bridges between nations.

Mr. Speaker, I would like to join my colleagues in extending my deepest sympathies

to Alma Brown, Ron's children, and all of the family and friends of this extraordinary man. His presence will be sadly missed by the entire Nation.

Mr. GEPHARDT. Mr. Speaker, in the few days since Ron Brown's death, it has already become a cliche to speak of his brilliant political career—of his pioneering role as party leader, and his efforts to almost singlehandedly redefine the Commerce Department and its influence on the American economy. For those of us who considered Ron a friend, it is reassuring to know that the country remembers him as fondly we do. But when there are so many tangible achievements to celebrate in a man's life, it becomes harder to recognize what is less tangible, but perhaps more important.

To me, there is a reason that Ron Brown broke down so many barriers in so many aspects of his life, and shattered so many preconceptions about politics, race, and America's place in the world. For all his practical and political talents, Ron Brown was an idealist, pure and simple. His goals for himself, his party, and his country were always based on what should be, and not on what others thought could be. That is a rare quality in a politician, and a rare quality in a human being. But it is why people loved and respected Ron Brown, and were so often willing to abandon their own goals and egos to work with him for that higher purpose.

I first began to work closely with Ron when he became chairman of the Democratic National Committee in 1989, around the same time that I became House majority leader. It may be hard to remember just how bad prospects seemed for the Democratic Party at that point, and how few people believed that our party could ever again capture the hearts and minds of the American people. Ron Brown was not only an unfailing optimist—often the only voice of optimism at those early meetings and strategy sessions—but a man who believed so strongly in the bedrock principles of the Democratic Party, he refused to accept any reason why America would not rally around Democratic ideals and candidates.

There is no question in my mind that Ron Brown was the driving force behind Democratic victories in both the 1990 midterm elections and the 1992 Presidential election—and that he worked and sweated for those victories not out of some desire for narrow political gain, but because of his unshakable faith in the Democratic Party as the party of progress for average, working Americans. He never forgot where he had come from, and who he wanted to help.

Much has been said in recent days about Ron Brown's ability to heal divisions, to reconcile warring factions, to focus on what united people as Democrats, or business leaders, or Americans. He truly believed that you could always accomplish more by working together—by bringing others along with you. That may be why he established a unique precedent in working so closely with congressional leaders as party chairman. He really did bring the Democratic Party together—sometimes almost one person at a time. To see the depth of his empathy and understanding—to see how far he would go to understand divergent people and opinions, and then to find the common ground between them—was to see the very essence of leadership.

As Commerce Secretary, Ron Brown dramatically expanded his mandate, reinvigorating the Foreign Commercial Service, and becoming a booster of U.S. exports on a scale that had never before been seen. He poured his energy and passion into his work at Commerce, much the way he had done so at the DNC. I admired the aggressive manner in which he led that department, even in the face of partisan political pressures to play a lower profile.

Our country could use another Ron Brown. For he pushed boundaries and broke down barriers almost instinctively, intuitively, as if he simply refused to acknowledge they were there in the first place. Perhaps, in that sense, we can find some shred of meaning in Ron's terrible death—because no risks and no naysayers could ever have kept him from exploring new terrain, reaching for new challenges, and trying to redefine the world in which we live. That he managed to do all those things in so few years is a powerful legacy indeed.

Mr. REGULA. Mr. Speaker, I would like to join members of the President's Export Council today in paying tribute to Secretary Ron Brown. Ron Brown was a personable individual and a master of the art of politics. He served his country and his party with distinction. I worked with the Secretary during his tenure as Secretary of Commerce and was always impressed with his dedication to economic growth and jobs. We shared the goal of promoting U.S. exports, as Ohio has become a leader in the export of goods to other countries. The objective of his final mission was again to facilitate the movement of U.S. goods into overseas markets, thereby working to keep good jobs here in the U.S. I extend my sympathies to Secretary Brown's family and friends.

Mr. LANTOS. Mr. Speaker, I rise today in both sadness and mourning to extend the condolences of myself and my family to Mrs. Alma Brown, their two children Michael and Tracey, and to the entire Brown family. Your husband, father, and mentor was indeed a unique man who graced the institutions which he diligently served.

He was a man committed to the service of his country and to the fulfillment of a promise he had made to himself and the community that surrounded him in his youth. It was a promise that compelled him to demonstrate time and time again that America's diversity was a strength and not a weakness. It was a promise that elevated him from his beginnings in Harlem to the position of Secretary of Commerce where he served with distinction and ultimately died in that service. And above all, it was a promise that drove Secretary Brown to tirelessly break down the barriers that divided people.

Ron Brown was a lawyer and skillful negotiator who became the first African-American chairman of the Democratic National Committee. Secretary Brown strongly believed in the promise of America and aggressively advanced policies and programs to accelerate the Nation's economic growth. He also became the first African-American to hold the office of U.S. Secretary of Commerce, and through his outstanding inspiration, vision and force of will, left an indelible stamp upon the Department of Commerce.

His list of achievements reads longer than the endless accolades that have adorned his passage from this world into the next.

Secretary Brown worked endlessly to champion the role of civilian technology and technological innovation as the means to ensure American job creation, economic prosperity, and a higher standard of living. Under his tenure, he worked to establish a nationwide network to help small businesses. He led trade development missions to five continents, touting the competitiveness of U.S. goods and services. Under his leadership, U.S. exports reached a record high.

Ron Brown worked vigorously to remove outdated government-imposed obstacles that hindered U.S. exports, and he strongly believed in the competitiveness of American business. His dream was to make America stronger, and he remained steadfast to this commitment. Under Secretary Brown, United States exports to Japan increased by one-third. He advocated for $80 billion in projects and supported hundreds of thousands of U.S. jobs. His vision and leadership included his understanding of the vital link between our economy and the integrity of our environment. He furthermore understood the critical importance of protecting intellectual property worldwide, and to this purpose he negotiated with countries around the world.

There was a purpose to Secretary Brown's commitment that found fruition in his constant struggle to transcend all barriers. It is indeed befitting that this dedication will serve as his legacy; a befitting legacy that will outlive the demise of its creator. His passing will not detract from the quality of his achievement, but will rather inspire us all to achieve more from ourselves.

His premature departure not only leaves a void, it also leaves a tradition that has taught America how to face and overcome adversity. His passing compels all of us to take note of his outstanding determination and pay respects to his commendable achievements. On this day, I ask my colleagues to join me in remembering a man who served his country faithfully in both life and in death.

TRIBUTE TO SECRETARY OF COMMERCE RON BROWN

The SPEAKER pro tempore (Mr. WHITE). Under a previous order of the House, the gentleman from North Carolina [Mr. WATT] is recognized for 5 minutes.

Mr. WATT of North Carolina. Mr. Speaker, I yield to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, there is much that many of us can say about our good friend and public servant for this Nation, Secretary Ron Brown. I simply want to say to Alma, Michael, and Tracy and the family, we loved and respected him; but to America, he was a leader beyond leaders. He realized that American business meant American jobs.

As a member of the Committee on Science, I saw his dynamic leadership in support of advanced technology, recognizing that was the future of America. So it is my commitment to his family and to his legacy that I will continue to work toward creating jobs, and I leave this tribute to Secretary Ron Brown:

Isn't it strange that kings and queens and clowns that caper in sawdust rings and common people like you and me are builders for

eternity? For unto each of us is given a bag of rules and a shapeless mass and each must give or life is flown as a stumbling block or stepping stone.

It is my belief and the belief of the American people that Ron Brown was a stepping stone for America, American business, American jobs. Long live the legacy of the honorable Secretary of Commerce, Ron Brown.

Mr. Speaker, I consider it a great privilege and honor to participate in this special order in tribute to Ronald H. Brown, former U.S. Secretary of Commerce. He had an outstanding career as a lawyer, National Urban League executive, Democratic Party chairman, Cabinet Secretary and close Presidential adviser. I am proud that the city of Houston paid tribute to Secretary Brown and the others that perished on April 3, on Friday, April 12, 1996, at Antioch M.B. Church.

Ron Brown used his many talents to create a better quality of life for all Americans. This special order's focus on his impact on the expansion of American-owned companies into foreign markets is very appropriate. During his tenure at the Commerce Department, he redefined the Department's mission to provide economic opportunity for every American. Moreover, he believed that peace and prosperity could be strengthened and promoted through international trade.

Over the past 3 years, he helped develop a national export strategy to assist American companies in increasing their exports to foreign nations. Since 1993, American-owned companies entered into commercial deals with foreign businesses in the amount of $80 billion.

Most of this expansion was as a result of his tireless efforts in leading numerous trade missions around the world. He supported the creation of strong ties with new markets in Africa. Asia, Latin America and Eastern Europe. Brown also helped to streamline regulations that unnecessarily hindered the exports of our goods and products.

Brown served on President Clinton's National Economic Council and the Council on Sustainable Development. He was also a member of the council on Foreign Relations. He chaired the Trade Promotion Coordinating Committee, which was comprised of 19 Government agencies, to strengthen the American economy through trade.

Ron Brown was a man of great vision and understood the importance of technology in our growth and development. He was a strong supporter of the Commerce Department's advanced technology program, which helped create thousands of businesses that will lead us into the 21st century.

All of us in public service owe a great debt to Ron Brown. He inspired us to always remain optimistic, to be committed to achieving our objectives and work to ensure that no American is left behind. This is his great legacy. Let us renew our commitment to public service.

Mr. WATT of North Carolina. Mr. Speaker, I yield to the gentlewoman from Florida, Mrs. CARRIE MEEK.

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, it is very difficult for me to discuss my feelings, my personal feelings, about Ron Brown. I have known Ron Brown since he was a very young man. I have seen him come up through the ranks. He did it the hard way. He worked for it.

I appreciate the kind of commendation that we are giving Ron Brown today. I want to send my condolences to the family, especially to my baby, Michael, his son, and to say to Alma and to her daughter, Tracy, that God will go with them, as we all know, and that Ron will always be remembered, and that we will keep his legacy going. He will not be a forgotten man. I also want to say to Mrs. Meissner, who lost her husband, to send my condolences to her.

People were magnetized by Ron Brown. He lived in such a way that people would gravitate towards him because they knew he was good. I will tell you one thing, Mr. Speaker, every youngster in this country who is from a poor or disadvantaged community, or even more, all over this country and all over this world, not due to ethnicity, race, or creed, will pattern themselves after Ron Brown, because they see an opportunity in him, in what he did, to make the American dream work. That is going to be his legacy.

He walked through the streets of Liberty City with me, a very poor community, and he reached out to every one of them, yet he got to be a counselor to the President of the United States. He sat on the Cabinet.

When I think of Ron, I think of a poem which we call, and I am going to paraphrase it, The Builder:

There was an old man at evening tide who was building a bridge on the countryside. A young man came to him and said, ''Old man, why do you try to build this bridge? When the tide comes in you will be long gone. You won't be here.'' And the old man lifted his head and said, ''Young man, let me tell you something. The reason I build this bridge at evening tide is there will be a young man such as you who will come after me. Young man, I build this bridge for thee.''

That is why Ron did what he did, to build bridges for all of us. I thank the gentleman for sharing his time with me.

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentlewoman for sharing in this special order tribute to Ron Brown. Mr. Speaker, I want to spend a minute or two in this final part of the 5-minute period just saying a couple of things, more from the heart.

First, Mr. Speaker, I want to express my condolences to Alma Brown and to the entire Brown family, and to the families of those others who perished so tragically in this crash. This was a devastating loss for our country and for me personally.

Second, I cannot help but recall the very last time that I saw Ron Brown, which was in the hall in the Rayburn Building. I had been involved in a hearing and was rushing in one direction. Ron had been called before a committee of the House to testify at another hearing. He was coming out of that and was rushing off to another place.

Despite the fact that both of us were in a hurry and headed in different directions, the characteristic that always came through from Ron Brown surfaced. That was the ability, for whatever small period of time he had, to look at you in the eye and make you feel that you were the most important person in life at that moment. We spent a few moments together, and that came through to me. That is the memory that I will always have of Ron Brown.

Mr. Speaker, I would like to express my condolences to Alma and the rest of the Brown family and to the families of those who perished tragically in the plane crash in Croatia.

The outpouring of support that we have seen since Ron's passing is a testament to the life he led and the impact that he had on people. Since his passing there have been two things that have been said about Ron most frequently. They are that Ron Brown had a lot of friends and that he had a tremendous amount of political acumen. I knew both of those things were true.

Almost 2 weeks after Secretary Brown's passing I think it is necessary for us to continue to honor his life and celebrate his legacy. Ron Brown taught us about the importance of providing jobs for our citizens through economic expansion and ensuring equality of opportunity so that all could share in the fruits of economic expansion.

EXPANDING ECONOMIC OPPORTUNITY

Ron Brown knew that the success of the American economy in the 21st century would depend upon expanding economic opportunity for all of our people. In a time where the gap between the rich and the poor is ever-widening, we must see to it that our economy creates jobs which provide living wages. We must also see to it that the good which flows from economic prosperity is shared among all of our people.

EQUALITY OF OPPORTUNITY

Ron Brown knew that our schools and our workplaces should be a reflection of America and should ensure equality of opportunity. He saw to it that his Commerce Department reflected the racial, ethnic and gender differences of the taxpayers on whose behalf his Department worked. Ron worked to provide opportunities for others who might not have been given the chance. Ron Brown knew that there were many more Ron Browns with intelligence, ambition and the will to succeed. Ron Brown gave them an opportunity to shine. They were African-American, white, Latino, Asian-American, they were among those who accompanied him on the mission to Bosnia. We must continue to work to see to it that America fulfills this promise of equality which Ron Brown exemplified.

As we honor our late Secretary of Commerce we must not forget these things which his life has taught us so well and we must work to continue his legacy.

Mr. Speaker, I thank the gentleman from Ohio for providing this opportunity to do this special order before his special order comes forward.

TAXES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. CHABOT] is recognized for 60 minutes.

Mr. CHABOT. Mr. Speaker, the topic of our special order this evening is taxes, and periodically, we will likely be joined by some other principally freshman Members of this House. One of the things that we all share is that we all believe very firmly that taxes are just far too high in this country. The American public is overtaxed, and our Government overspends, and we have to do something about that.

I am 43 years old, and back when I was born, and I was born in the early 1950's, during that period of time the average American family in this country sent about 5 percent, 3 to 5 percent to Washington in the form of taxes.

Here we are 40 years later, and that has gone from 5 percent up to about 25 percent that Americans send to Washington to cover our Federal Government's spending. But that is not the whole picture. It is even worse than that. When you add State taxes, local taxes, city taxes, county taxes, township taxes, school taxes, sales taxes, real estate taxes, all the other taxes that we pay as Americans, the average American family now spends about 40 percent, 40 percent of what it earns in the form of taxes.

□ 1800

Another way to look at that 40 percent figure is that if you work Monday through Friday, you are working Monday and Tuesday for the Government and only Wednesday, Thursday and Friday are you able to support your family on the money that you earned. That is far too high, far too much of a bite out of the taxpayers of this country coming to the Government.

Another way to look at it is if you work an 8-hour day, about 3 of those hours are worked for the Government. That is just ridiculous. I am sure that our Founding Fathers and founding mothers never envisioned anything like the burden of taxation that we now have on the people of this Nation.

Wages have gone up somewhat. If we look since 1989, for example, wages have increased somewhat. However, when we look at the tax burden, the fact that taxes have gone up, we are at best in this country treading water. We are trying to stay even. But we are really losing out on the American dream.

Our parents, I know my parents, envisioned their children doing better than they did. We all want to advance some in life. The problem is right now because taxes at all levels of Government, particularly at the Federal level of Government, have gone up and up and up, the American dream is being destroyed. Because we are overtaxed, we cannot keep enough of our own money to support our families, and that absolutely has to change.

A group called the Tax Foundation, for example, calculates that in this country we right now pay more in taxes than we do for food, clothing, or housing, shelter, medical costs. Think of that. Food, clothing, health care, housing, all those things, we are spending less for that than we are for taxes. That shows again that we are just overtaxed in this country.

At this time I have been joined by several of my colleagues. I will pick up here in a few minutes but I would like to, I believe, start with the gentleman from Kansas [Mr. BROWNBACK] since he was here first, and I will at this point yield to a good friend of mine from Kansas [Mr. BROWNBACK].

Mr. BROWNBACK. I appreciate the work that the gentleman from Ohio [Mr. CHABOT] does in representing Ohio in this great Nation, one of the big power forces we have had in this new freshman class of things we have been able to get done. I do not know how many American people recognize that this freshman class has hit here and people like the gentleman from Ohio [Mr. CHABOT] have gotten things done, sent here to make Washington smaller, more efficient, work better for the American people, and it has happened.

One of the things we have not gotten done yet is changing the taxes and being able to get the tax burden less on the American people. We have passed it and passed it again, and have been vetoed and sent back by the President. As the gentleman aptly put forward, the American people are I think taxed to the max, to the point now that they work nearly 40 percent of their year just to pay taxes at all levels, and it is just too much.

I wanted to make another point, if I could, on the issue of taxes. I have got some words here in front of us that rule our lives, if I could show these to the American people. I think it will be kind of interesting to other Members of Congress.

I have got on this page the Declaration of Independence, where we declared independence from a dictatorial nation that was telling us to live a different way than what we wanted to, and these are some words that rule our lives. Within this page is the Declaration of Independence that talks so much about the freedoms and justice that we treasure so much as the American people.

I also have with me today the Holy Bible, words that help with our life as well. I have got the number of words here, 773,000 words approximately in the Holy Bible. The size of this, Declaration of Independence, 1,300 words.

I have got to show the Members of Congress the 1940 Tax Code. I thought we would go back a little ways and we would see the 1940 Tax Code, and I can still lift this one up. It is 4 volumes, the United States Code Annotated, Internal Revenue Code of the United States, 1940's Tax Code.

I cannot pick up the current Tax Code of the United States. I guess I need to be lifting weights better, then I would be able to. The gentleman from Arizona [Mr. HAYWORTH] might be able to do this, but it is a stack about 2½ feet tall of books. It contains 555 million words that control our lives.

This is no joke at all. Unfortunately, this is the real thing. This is just the Tax Code itself, so we can see how much it has grown and how much it has expanded over a period of from 1940 to what it presently is today.

The IRS actually sends out 8 billion pages a year in forms and instructions, which itself would stretch around the world 28 times, just the words that they send out and the billions of pages.

In 1948 a typical family paid only 3 percent of its income in Federal taxes, 3 percent. Imagine that. Because today they pay 24 percent, 8 times as great as in 1948. Imagine what an increase in salary and wages and income we would be giving the American people if we could cut the Government back even a quarter of the way to where we were in 1948.

According to the Tax Foundation, more than 3 hours of every working day are dedicated to the Tax Code. That is how long Americans work on average to pay their taxes. In total, individuals will spend 1.7 billion hours filling out their taxes, responding to this stack of books here, of rules and laws and words that govern our life.

My point in mentioning all of this, and there is a number of other facts that move forward with this, is that we have far too much tax burden on the American people. Average working American people across this country are working too much for the Government and not enough for themselves and their own families.

We have got to much manipulation out of Washington, trying to micromanage our individual economic and personal decisions, trying to make everybody, I guess, perfect across the country as somebody might have designed from here. The Tax Code was written by a thousand different Members of Congress at different times over the eight decades that we have had an Internal Revenue Code.

I just think it is time we say enough is enough. We have got too much of a tax burden, it is too complex, it is too much manipulation out of Washington, and it is time we cut it down to size. It is time we cut the tax burden, and give the American people a real raise by cutting their tax burden.

It is time we cut back on manipulation out of Washington and say that the Tax Code is not for social engineering, it is not for economic engineering. The Tax Code is for raising revenue for the Federal Government. It should be done with a lot of change that we are going to have to get through, and making these sort of changes so the American people can get the relief that they need to have both in the burden and the quantity of manipulation they are getting out of Washington.

I see we have been joined by some other colleagues.

Mr. CHABOT. Reclaiming my time, I thank the gentleman from Kansas. I particularly think it is very interesting the figure you used about 8 billion forms and instructions that go out to taxpayers all over this country.

I think one of the interesting figures that I had seen recently was to put together those forms, we have to cut down 293,000 trees just to put together these forms that we send out to the American public and I personally think that we ought to leave a lot more of these trees standing and cut down the Tax Code substantially. I yield to the gentleman from Mississippi [Mr. WICKER].

Mr. WICKER. I thank my colleague from Ohio for yielding. I certainly also want to commend my friend from Kansas for the remarks which he just made. I certainly hope that he will leave those books there on the desk. They are a graphic example of the increase in the complexity of our Tax Code over the past number of years. They translate into something very, very practical, and, that is, the fact that too much money is being taken out of household budgets and brought to Washington, DC, and that is just a very graphic example there.

Yesterday was tax day all across the United States of America, which was another reminder to American families and American working men and women of the bite that the Federal Government takes out of household incomes. But there is another date that is also very, very significant, and that is May 7, to be exact, May 7, 1996. That is Tax Freedom Day in the United States of America. That means that the average American has had to work until May 7 just to pay his obligation for all Federal, State, and local taxes. Not until May 8, 1996, will the average American begin working for himself.

This is the latest time during a calendar year that Tax Freedom Day has occurred. What that means is that the tax burden on Americans is heavier than it has ever been in the United States of America. I want to commend our party, the Republican Party, for proposing a solution to that and proposing to change the direction.

Sometimes I go back home and people say, ''Well, ROGER, there's too much partisan rhetoric on the floor of the House of Representatives,'' and certainly I applaud any effort at bipartisanship, and I also applaud the efforts of those who have put forward the civility code. I think we need more of that.

But, Mr. Speaker, there is a reason for the very pitched partisan debate about the tax issue. And that is this. That there are two very, very fundamentally different approaches to taxation represented here in this Capitol building. There is the Democrat approach of 40 years of increased taxation, increased overreaching into the pocketbooks of American workers, and we are here now as a Republican majority for the first time in 40 years to reverse that trend.

The differences at the national level are certainly heightened, I think, by none other than the President of the United States. Candidate Clinton ran in 1992 promising a middle-class tax cut. The American people responded to that plank in then Governor Clinton's platform and he was elected. Once elected, President Clinton not only abandoned his pledge for a middle-class tax cut but he gave us the largest tax increase in history. I note that one of my colleagues yesterday came onto the House floor and disputed that, saying that actually maybe it was the largest tax increase in peacetime history.

Regardless of how you do your figures there, it was a whopping increase of nearly $260 billion, which meant a 4.3 cent per gallon tax on gasoline which affected farmers, truckers, and people certainly living in the rural areas of my district in north Mississippi. The Clinton tax increase involved a 70-percent increase in the amount of Social Security benefits that can be taxed. I certainly am proud to stand as one of the Members of this House of Representatives who voted to reverse that tax and repeal that tax and certainly regret the fact that President Clinton has stymied us and not allowed that repeal of that tax to go through. Also small businesses were hit hard. Don't take my word for it. The National Federation of Independent Business called the Clinton tax plan about as anti-small business as you could ever see.

So I would simply point out to my colleagues, Mr. Speaker, that there are fundamental differences in our approach to this very, very significant issue. The Republicans in the House of Representatives and in the Senate stand for lower taxes, tax cuts which not only benefit families but also which will encourage job creation. And so I thank my colleague from Ohio for putting together this special order and I look forward to participating in it this afternoon.

Mr. CHABOT. Reclaiming my time, I thank the gentleman from Mississippi for sharing his thoughts on taxation. You mentioned the disparity, the discrepancy between the two parties in this House and I do not think it could have been plainer than as recently as yesterday. What we attempted to do in essence was to make it tougher, make it harder for the Government to raise income taxes on the American people. Right now we can do it with a simple majority of Congress, taxes can be raised on the American public and assuming that the President signs the bill.

What the Republicans in this House tried to do was to make it tougher, to go up to two-thirds. We tried to pass a constitutional amendment that would require two-thirds of this House and then two-thirds of the Senate in order to raise taxes on the American public.

Mr. WICKER. If the gentleman would yield on that point, I think the gentleman would agree that four out of the last five tax increases would not have been enacted had that provision been part of the Constitution when they were voted on.

Mr. CHABOT. Reclaiming my time, I think that is absolutely correct. I firmly believe that we should make it tougher for Congress to ever raise taxes again.

☐ 1815

Unfortunately, since it is a constitutional amendment, we needed two-thirds of this House to pass it. Some 234 Members of this body voted for it, 177 voted against it. Almost every Republican, there were only 17, I believe, Republicans voted against it. And 200-plus Republicans voted for the constitutional amendment. There were a relatively small number of Democrats who joined us on this.

But there are many people in this House, and even though we did not get it this time, we are going to keep coming back, because we should definitely make it tougher for this Congress ever to raise taxes on the American people again.

At this time, I would like to yield to one of the most articulate and truly one of the leaders of the freshman class, the gentleman from Arizona, Mr. J.D. HAYWORTH.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Ohio and the gentleman from Mississippi and the gentleman from South Carolina for joining us here to talk about taxation. I thought especially eloquent was the gentleman who preceded me at this podium, the gentleman from Kansas. And while he is quite eloquent in his verbiage, I thought the stack of books that now comprise the Internal Revenue Code, Mr. Speaker, with those joining us on television this evening and this afternoon back in my home State of Arizona could see with their own eyes that huge stack of books in a system that has grown more and more complicated. I think just as there were volumes upon volumes, that picture spoke volumes.

The gentleman from Ohio, you mentioned yesterday's proceedings, and I thought it was interesting what transpired in this Chamber during the course of the debate. A couple of arguments used and one, quite candidly, that some Members of the new majority bought into, was this notion that somehow the Constitution of the United States should not be amended or amended only sparingly. I just thought it was worth going back to article 5 of the Constitution, this document of limited and enumerated powers, to see precisely what is said. Again, I think the first clause in article 5 lays it out quite simply: The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution.

Now, for the accurate historical picture, of course there is one prohibition dealing with the Government and dealing with a certain year date, 1808, with reference to some amendments to the Constitution, but that had to do with the foundation of this very republic and some time-sensitive matters.

But that is clearly where it is left. You see, our Founders did not say, now

we would limit you to a Bill of Rights or to 40 subsequent amendments. They left no numerical prohibition there. Nor did they feel it was their place to articulate a procedure that either of these two Houses in the legislative body would follow.

Indeed, yesterday, Mr. Speaker, it was very interesting to watch Members of the liberal minority stand up to profess great feeling for the Constitution, but in reality, to hold higher alleged rules and customs of this House than the Constitution. To somehow claim, and I know that I am joined here by friends who work on the Judiciary Committee who are in their own right juris doctors. And for the purpose of full disclosure Mr. Speaker, ''J.D.'' in my name does not stand for juris doctor. It stands for JOHN DAVID. I am not a lawyer, nor have I played one on television.

But I think it is worth noting that our Founders simply said whenever two-thirds of both Houses deem it necessary, they gave us the ability to bring these proposals directly to the floor. And if there were ever a proposal that we needed to move on, it was the tax limitation amendment that fell somewhat short last night but is long, long overdue.

Mr. Speaker, I attempted to offer some perspective during the course of last night's debate, and indeed I thank the gentleman from Ohio for allowing me to fulfill a promise, because as I said from that well that we would have to wait for a special order to articulate this. But a couple of points worth noting. Those folks who were so reluctant to amend the Constitution failed to answer the question I proffered last night. And that was, if a direct personal income tax were such a good idea, why did the Founders not put it in the original document? They were strangely silent about that amendment.

But also it is worth noting what transpired in the wake of the 16th amendment. The Center for Small Business Survival put together a survey, put together a study, went back and took a look at the original tax code in 1913, in the wake of the passage of the 16th amendment, and the numbers were absolutely astounding. If we wre to take the tax code of 1913 and apply it in 1990's dollars, a single person filing singly, of course, would be exempt on the first $46,000 of his income. A married couple filing jointly would be exempt on the first $59,000 of their income. And most astonishingly, to take the 1913 tax code and project it into 1990's dollars, 1 percent tax would be levied on the first $298,000 of earnings. Absolutely astonishing.

How then do we account for the change? How do we account for the volumes the gentleman from Kansas brought? Quite simply this. The insatiable desire of this Federal Government to take money from its citizens, to reach into the pockets of hard-working Americans. If you need proof, understand this. Adjusting for inflation, according to the Center for Small Business Survival, even adjusting for inflation, the cost of the Federal Government from 1913 until the present day has increased in excess of 13,500 percent. The marginal tax rate on families has increased some 4,000 percent.

The arguments have been made eloquently here again in this special order. I commend the gentleman from Ohio. But simply this thought should be remembered: When the average American family surrenders more to the Government in taxation than it spends on food, shelter, and clothing combined, something is fundamentally wrong. We were sent to this Congress with a basic premise and a basic promise: To let the hard-working people of the United States of America hand on to more of their hard-earned money and send less of it to Washington.

Mr. Speaker, I salute my colleagues who join me here tonight. I salute them also for voting for this tax limitation amendment.

Mr. CHABOT. Mr. Speaker, I thank the gentleman from Arizona.

Reclaiming my time, I would like to at this time recognize, introduce the gentleman from South Carolina [Mr. SANFORD], a very good friend. I also want to compliment the gentleman from South Carolina on a recent score he received from one of the groups that ranks Members of Congress, and that is the National Taxpayers' Union. And what they do is they go through a very large number of votes and keep track of which Members are really serious about cutting spending and cutting taxes. They put all the votes together, and of the 435 Members of the House, this gentleman was tied for No. 4, I believe, and of the freshman class, you were tied with lead, coincidently with myself.

But in any event, I want to thank the gentleman and commend you on that particular score, and let us keep cutting taxes and reducing the rate of spending in some areas and cutting spending in other areas.

The gentleman from South Carolina [Mr. SANFORD].

Mr. SANFORD. Mr. Speaker, I thank the gentleman from Ohio for yielding the time.

I consider it good company that I had both this evening and on that particular scoreboard. I do not know if I thank you, though, for putting me behind J.D. It is always horrible following J.D. J.D., you are a walking encyclopedia on this stuff, and I admire the almost ever-growing list of things that you know about on the whole tax matter. I applaud your efforts there.

I would simply say this. I do not want to beat an old horse, and a lot of things have been covered as we have talked about taxes, but I would like to throw in these two cents. That is, we had a town meeting last Saturday, just prior to everybody sending in their tax returns, back home in Charleston, and I tried to think about what is it that you are going to talk about just prior to tax day. I thought about well, May 7 is Tax Freedom Day. I thought about how the average family sends almost 40 percent of what they earned off to the Federal, State, or local government. I thought about how, you know, a hard-working couple works almost until noon to pay for the total cost of Federal, State, and local government. But what occurred to me was why in the world would I be telling them that? Because they know it a whole lot better than I do. In fact, when I have neighborhood office hours, people come up to me saying, MARK, do you realize how much we are paying in taxes?

So I did not want to state the redundant, and so I looked. I do not know if you all have heard, Charles Adams wrote a book entitled ''For Good and Evil: The Impact of Taxes on The Course of Civilization.'' So I got out pen and pad and began to work my way through his book. What he does in his book is he looks through the course of civilization, and with each different civilization breaks out tax rates.

What was interesting about his study is that if you start, let us say, with the Egyptians, go all the way back to the Egyptians. You go back, let us say, 3,000 B.C., to all the way to when they ended, which I guess was around 476 A.D. And if you look at taxes in their civilization, what you would find is that on average, they had an agricultural production tax of about 20 percent. And then during hard times, this is nothing you would see with the IRS today. But during hard times, they had what they call philanthropa, wherein the pharaoh would say, we had a bad year with crops this year, therefore, there would be no taxes this year. It was rumored that is where the word ''philanthropy'' came from. But roughly around 20 percent.

Then you move to the Greeks. Athens and Sparta had this sort of military sharing arrangement there with the other city/states to fight off the Persians, which they did quite successfully. And what was interesting there was they had an indirect tax, a tax ranging anywhere from 2 percent to around 10 percent, 10 percent if it was a shipping channel covered with pirates, 2 percent if it was not. And then around a 10 percent harvest tax for the city/states. They actually had the first progressive tax, which they called liturgy, where it was a voluntary tax for somebody who lived in that city/state who was doing well, they would come and say, we need this help with *x*. Would you help us? And there was a voluntary tax. But roughly again somewhere on the order of 10 and 15 percent on average.

Then in Rome, you break out the republic versus the empire during the first part. During the republic, there was very little in the way of tax because you had a volunteer economy. What you had there is with their army, every citizen who was a landowner volunteered for the army for 1 year. That

spirit of volunteerism, if you want to call it that, was so pervasive that even the magistrates volunteered. So as a consequence, there was not a lot in the way of taxes. They had indirect commercial taxes and custom duties, which ranged from on the order of 2 percent to 5 percent. Unfortunately they had slave auctions back then, which were roughly another 2 to 5 percent. But those were the two big taxes.

Then as you moved into the empire, taxes began to go up because, first, they had tribunal, which was a war tax. There was a 5-year census. Every 5 years they took a census, and then depending on your wealth, if you were poor, roughly about one-tenth of your wealth was taxed. If you were wealthy, roughly about 1 percent of your wealth was taxes. And that tax went off. And if they were successful in their war effort, there was a rebate with the booty that came with war.

They had a couple other taxes, again a 10-percent harvest tax, a 20-percent orchard tax, a 5-percent custom tax. And toward the end of the empire, they actually began to have an inheritance tax of around 5 percent. But again, something just slight of 20 percent on average.

If you looked at the Spanish decline, the Spanish empire and how it declined, what you found was they had two main taxes there. The second tax began to get out of whack, if you will. There was a revolt there with Charles V around 1520 as a result of these taxes because they were not viewed as fair.

□ 1830

They almost had an arrangement wherein the legislature was promised a whole lot of benefits, pensions, et cetera from the king, which worked fine until the taxes got too high and then there was revolt.

The Swiss have long understood the connection between liberty, taxes, and democracy, and for that matter all revenue matters essentially come to vote. An example of that would be, in 1991 a value added tax was proposed in Canada and passed. The same value added tax was proposed in Switzerland and failed, in large measure because they could take that vote straight back to the people.

But what struck me about all this, and you could wander through a whole lot of empires and civilizations, was that you can only squeeze so much blood from a turnip. Those numbers happen to fit, in terms of the study of civilizations and taxes there with his book, fit with OMB numbers, and they fit with Reader's Digest, which is an unlikely pairing in my book.

Because with OMB they went back and looked at numbers from 1950 to present, and what they found was that regardless of which tax rate you were at, roughly the government share was around 19.8 percent, just shy of 20 percent. Whether you were in the 70-percent tax rate or the 20-percent tax rate, as tax rates ratcheted up and down, you could only squeeze so much blood from a turnip.

People responded to that tax. If the tax was up at 70 percent, sure enough, the second earner stopped earning. They stayed home more. If it was down to 20 percent, they went back to work. People responded. So, first, you can only squeeze so much blood from a turnip; and, second, this is where Reader's Digest recently did a poll and went out and asked folks, ''What do you think a fair tax rate would be?''

They asked males, they asked females, they asked whites, blacks, and people earning below $35,000. They asked people earning above $35,000, ''What would be a fair tax rate?'' Resoundingly, in each of those different categories people came back with the answer, around 25 percent.

Any yet, as you know, our overall tax burden is closer to 40 percent, which again says to me two things: First, civilizations must have had something right throughout time, and the fact that they were at or below 20 percent on average says to me that we are probably out of whack. And, second, if Reader's Digest gets it right, maybe they could pass along the lesson to us here in Congress, in that here we are bouncing along in the neighborhood of 40 percent. What do their readers say? Around 25 percent would be fair.

So I just thought that that was interesting to look at that whole time frame and just say where are we in the grand perspective. Because when I say tax freedom or I say, do you realize you are paying *x*, people already know that.

What was interesting was to look at those numbers and to say, boy, 20 percent seems to be a number that has worked throughout time.

I will yield back. I do not want to take too much of your time.

Mr. CHABOT. I thank the gentleman, and reclaiming my time, I think the gentleman from South Carolina makes many, many very good points. I cannot touch on all of them, but I think you cannot squeeze blood out of a turnip or only so much is right on the mark. That has been one of the problems with the government, particularly the Federal Government, is they thought there was just an unlimited ability to squeeze blood out of the American public. The limit for taxes, just unlimited, just keep raising them, and we have gone far beyond a level which is appropriate in this country.

This Congress, particularly on this side of the aisle, we have made some effort. Before yielding to the gentlewoman from California, I want to touch on a couple of things that we have done in this Congress thus far to give the American people a break, to reduce the level of taxation on particularly working people in this country.

For example, right now a married couple in this country is penalized for being married. We wanted to eliminate the marriage penalty, and passed appropriate legislation here in Congress to do that. Unfortunately, down at the White House it was vetoed. This is unfortunate because we should not penalize married people. We should encourage people to be married in this country.

Capital gains relief is another example of tax relief that we tried to pass this year in this house. Capital gains I think is something that is very important, because some people think capital gains is just for rich people. Seventy-three percent of the people who benefit from capital gains relief earn less than $75,000.

Many senior citizens in their pension plans and their IRA's and other things benefit from relief. Most importantly, capital gains relief means that the economy will thrive more. It will mean more jobs for Americans, more entry level jobs for teenager, for example, so we need capital gains relief in this country.

The adoption tax credit is something we passed here. The President, by the way, vetoed the capital gains relief. The adoption credit, we wanted to give a $500 tax credit to people in this country for adopting a child. There are many diverse views in this House about the issue of abortion, a controversial issue. Some are pro-life, some pro-choice, but I think we all agree that we want to reduce the number of abortions, and the $500 tax credit or, excuse me, $500 adoption credit would encourage people to adopt children.

We wanted to give seniors in this country relief. Right now a senior citizen, once they earn about $11,000 they start losing their Social Security Benefits. That does not seem fair. Seniors all over this country have paid into Social Security all their lives. Then they retire, want to make a little bit of money, and they start losing their Social Security benefits.

So what we did is, we passed in this House relief which allowed seniors to go from $11,000 to earning up to about $35,000 over a 7-year period. It was a gradual increase in the amount that could be earned before they started to lose their Social Security benefits. Fortunately, that was one of the things that the President did not veto, so that was passed, and I am very pleased about that.

The final thing I wanted to mention that we have done in this Congress thus far is, we wanted to give a $500 tax credit for families who have children. So if you have two children, that would be a thousand dollar tax credit, not a deduction but a credit. When you are raising kids, everybody knows it is an extra burden, and we should give relief to families across this country.

Now, again, 89 percent of the people that would have benefited from this would have been people who made less than $75,000, but the President vetoed it. What we heard was tax cuts for the rich, tax cuts for the rich. These things were not tax cuts for the rich, they were tax cuts for hard-working American citizens, and it is time we give the American public tax relief. I think that is what we are all about.

At this time I would like to yield to a good friend from California, a lady who has made many courageous votes in this House thus far in her career, the gentlewoman from California, ANDREA SEASTRAND.

Mrs. SEASTRAND. Thank you to the gentleman from Ohio. I appreciate your gathering this time for us to talk about taxes, especially this day after April 15.

I am very proud to just find out today that I was given a great score from the National Taxpayer's Union and got an A from them. So I am pleased to be here.

I noticed one of the preceding colleagues mentioned a townhall meeting on taxes, and I know there were a number of us that did that throughout the Nation this past Saturday. I was one. I held a townhall meeting on taxes in a little town called Paso Robles on the central coast of California. It went so well that I hope to do, even though it preceded April 15, I am hoping to do this all through my district, because the information and the give and take from the constituents went so well.

I think the thing that I wanted to get across to them was to tell them that this Congress tried so very much to give them tax relief, that we are starting to talk about tax reform and had some votes on reforming taxes, and that we want to give taxpayers rights.

I know a lot has been said about the hours, the dollars that taxpayers have to spend just to figure out their taxes. We have talked about the hurdles that many of our taxpayers have to endure to get their taxes done, and so I am glad that you are talking about some of the solutions to the problem. I am proud to be part of this 104th Congress that has looked to solutions.

We had the vote yesterday in trying to get a supermajority to pass taxes in this House. It is interesting because I come from a State, the State of California, that does just that. To increase taxes you have to get two-thirds.

Let me tell you, the liberals in that House howl every time we talk about the budget because they are down and they want to take it to a simple majority. They tout how it is better for everybody involved, and some of the same arguments that I heard on this House floor yesterday from the liberals that have been in control of this House for 40 years, and why it was a stupid idea in their estimation to try to even bring this issue up on the floor. They talked about publicity stunts, and I should be shameful because I was talking about increasing the number to a supermajority on this House floor.

Well, I would just say it has worked in my State, and I want to remind everyone that even if you are a supermajority State such as California, they still have the opportunity when we are in facing a dire fiscal situation that, even though I disagreed with that vote about 5 years ago, they raised taxes in the State of California even with a supermajority.

So it was a great vote yesterday. We did not have enough people, the 290 votes, to pass a constitutional amendment requiring two-thirds of this body to increase taxes, but there is another day, another time, and it is just the beginning of continuing to talk about reform in this House.

Now, I am glad that my colleague from Ohio just went through the litany of relief that we tried to give to the taxpayers, those working families throughout America, those working families in Paso Robles in my central coast of California. You talked about the $500 per child tax credit. You talked about the marriage penalty. You talked about your capital gains relief to create jobs for especially the small businesses on the central coast of California. I do not have any of those big corporations in my district.

The tax credit for parents who adopt a child, I know what that is about because my two children are adopted, and know about what it means to give tax deductions to children who have elderly parents at home, and my mom is always worried, concerned about that aspect. And to also give a tax deduction for the first $2,500 interest on a student loan. My children have just graduated from college, but we are always concerned about students, and can they get a tax deduction for their loans.

All of these issues the gentleman from Ohio pointed out just about working families. I am one of those freshmen, about half of our class is under attack by the old guard that have controlled this place for 40 years, particularly those big labor union bosses that sit here in Washington, DC, and then more or less dictate what their members in my part of the country will do.

I have been under siege now for a year, since last April, radio ads, TV ads. You name it, they have done it to me, trying to say that ANDREA SEASTRAND voted for tax relief for the rich. I keep saying, ''Where?''

I have just read the litany, you read it prior to, and it is interesting, what we just mentioned, what we are trying to do in this House, and yet the distortions and the misinformation and downright, I guess I could say, lies stated about what we have tried to do in this House to give tax relief to the working families across this Nation.

But you know what I found interesting was that at the townhall meetings, and Saturday was the 50th townhall meeting I have had since I have been elected, the first question is what are you going to do about the Internal Revenue Service. I am telling you, people stand up out of their chairs and they cheer.

What are we going to do? I tell them I am interested in reforming and looking to taking that Tax Code and throwing it out as we know it and looking at something else. Again cheers. So it was no different on Saturday because people actually sit on the edge of their seat and say, ''What are we going to do?'' What about the flat tax? What about a national sales tax? What about repealing the 16th amendment, the income tax as we know it? What about doing away with the Internal Revenue Service?

So it is exciting to listen to people wanting to start the national discussion, and I hope that through my townhall meetings we can promote a national discussion about not only the tax relief that we have done in this House, but the tax reform that we have begun with our vote yesterday and the discussion that we have started. Should we do away with the Tax Code? Should we repeal the 16th amendment? Should we go to a flat tax or a sales tax?

Now, I think we need to focus on reforming the current income tax, and just to give you a little thought, the national sales tax would abolish that need for the IRS because there would no longer be any income tax.

☐ 1845

Americans would only pay tax on the money they spend so it encourages savings and investment. Imagine bringing home your paycheck and looking at the whole thing and then you decide what you would do with your dollars, what kind of things you would buy. Like the flat tax, it would be easy to comply with, easy to administer. And there are many that have advocated that. I have not myself endorsed either the flat tax or the national sales tax, but I am anxious to continue the discussion with the American taxpayer as to what they think is the best way to go.

The flat tax has just one rate, treats everyone the same. That is what proponents of the flat tax say. All the flat tax plans include a generous family exclusion. There are no special interest loopholes and the form is a simple postcard, enough to fit it all on one little postcard, not the numerous forms that we have to look at today.

The National Commission on Economic Growth and Tax Reform appointed by Speaker GINGRICH and Majority Leader Senator DOLE concluded on six principles that should be included on needed tax reform: First, that we have economic growth through incentives to work, save, and invest; second, that there is fairness for all taxpayers; third, simplicity so that anyone can understand the system; fourth, neutrality so that people and not government can make choices; fifth, visibility, so that people know the cost of government; and sixth, stability so that people can plan for the future.

The bottom line is that our current Tax Code is not a good system. It is time-consuming. It is peppered with loopholes. It discourages savings. It needs help desperately, and the American people are saying that they definitely want a fair, simpler, and more equitable Tax Code and tax system.

So I am glad to be down here and talking with my colleagues that are

trying to do something about it. I just appreciate you taking this time etching it out of our busy schedules here in the House so that we can talk about what is so important, more important than anything else but the importance to our particular constituents at home and how it is important that we do something, not only get that tax relief, get that reform, but also give some good old-fashioned taxpayer rights to the taxpayers of America.

Mr. CHABOT. I thank the gentlewoman from California. I just want to compliment the gentlewoman on the may votes that she has taken to give tax relief to the American people. We need to keep fighting this battle.

I now would like to yield to the gentleman from South Carolina [Mr. GRAHAM], a gentleman who has been one of the true leaders in the freshman class this year and in fact in the Congress as a whole.

Mr. GRAHAM. Mr. Speaker, it has been a great debate to listen to. It has kind of brought me down here, kind of got my blood stirring.

One thing that was talked about a lot is the two-thirds supermajority vote requirement to raise taxes. And it has been very well articulated why you need that. One observation I would like to make, if you took 435 people at random, any town in America, any district in the Union, and you asked them to vote on this particular measure, the only group I know of that would have less than a two-thirds agreement is here in Congress. You could take 435 people in any town in my district and ask a simple question, should there be a wall between you and the politician to get in your pocket a little higher than the one that exists, they would have jumped on it a lot more than two-thirds vote. It would have probably been unanimous.

Unfortunately, because it was a constitutional amendment, we needed a two-thirds vote. We were about 30 votes short. The idea is alive and well and the good thing about this Congress, it has been an historic Congress. We have not spent much time talking about what we have accomplished because we have been so busy doing it and ducking rocks being thrown at us for having done it.

The line-item veto by itself is probably the biggest change in the last 200 years. The line-item veto allows the President to look over our shoulder for the first time and look at how we spend money.

This tax debate is a good debate to be having, but it needs to be linked up with the spending debate that is going on. One thing is for sure, Americans are going to complain about the umpire and they are going to complain about taxes. If you go back in time at any time in the history of our Republic, you will find people complaining about how much they have to give to the government, I think that is just our nature. But we always give. We always meet our obligations.

But the question that you must ask now, are people complaining for a good reason. I think they are complaining for a darn good reason. When you take money from the American public you should have a game plan in mind on how to spend it. We collect taxes to provide services at the national level. Are we providing quality service? Are we spending an appropriate amount of money, or are we spending too much? Are we doing too many things at the national level? Should some of those things be done at home? Should some of those things be done by the private sector?

That is a great debate that must be joined with the tax debate. I would suggest to you that the money that we are taking from you is too much. The average person, black, white, rich, poor, conservative, liberal, says 25 percent from State, local, Federal taxes is enough taxation on the American family, and the reality is it is almost 40 percent.

So I would suggest to you that not only does the American public believe we are taking too much, there is a new group in Congress that believes we are taking too much. But we are in the minority, but we are growing. Thanks to the vote in 1994, we have grown a lot. And just hang in there with us and get enough people up here to do something about it. We are here talking about it. We need more votes to make it happen.

But the average American believes very sincerely they are having to pay too much. I agree with them. You agree with them. It is about time to start delivering. But we take their money. And what do we do with it? We provide services.

Medicare is a good program. I come from the South where a lot of people who have worked in the textile industry in years gone by did not have good pension plans or health care plans. That is getting better. Medicare was a safety net program for folks that has grown tremendously. Do you know how much we have increased Medicare spending since 1980? We have increased it 2200 percent. Welfare, a tremendous explosion in welfare spending in the last 30 years; $5 trillion have been spent in the name of compassion. And we have more illegitimate children, more poor and disadvantaged people than we have ever had.

I would suggest that the Federal Government could get by with less, that not only are you right when you are saying we take too much from you, you are right when you believe that Congress does not spend your money wisely. We can come up with a Medicare system that will take care of our seniors, that will not grow at 2200 percent every 15 years.

We can provide compassion. We can provide welfare. We can help those people who are disadvantaged without paying them to have children they cannot afford. We can help people of alcohol problems without sending their check to the bar. We can reconfigure this government. We can take less of your money and do a better job. But you are going to have to help us. We have got to reinvent systems that are long overdue to be reinvented, and we can get by on less money. Do not let anyone tell you otherwise, because it is a complete distortion to say that the Federal Government is a few billion dollars short.

I thank the gentleman very much.

Mr. CHABOT. Mr. Speaker, I thank the gentleman from South Carolina for his thoughts on taxation. He also has been a true leader around here in trying to cut the tax burden on American working people in this country.

In summarizing where we have been tonight, I would just like to make a couple of points here. Something that we passed today that I think was a very good move, something in the right direction, was something called the Taxpayers Bill of Rights. And in essence what that does is, if you call the IRS right now, and the IRS gives you bad information, you are responsible for penalties and interest, even though the IRS gave you bad information. That sounds ridiculous. It is ludicrous, but that has been the law.

We passed, however, today a law which basically said that if the IRS gives you bad information, then you cannot be held responsible for interest and penalties due to bad information from the IRS.

I think that is a step in the right direction. Congressman JIM TRAFICANT, who is a Democrat from Ohio, my State, I think has—I am cosponsor of something I think is a very good piece of legislation. It basically would put the burden of proof on the IRS rather than on the taxpayer.

Right now it is supposed to be you are innocent until proven guilty. But with the IRS, basically you are guilty unless you can prove you are innocent. This takes the burden off the taxpayer and puts it on the IRS where it ought to be. Something else that I found kind of interesting in preparing for this issue this evening was the fact that we have got 6,000 border patrol people in this country, 6,000 people on the border patrol to protect our borders. We have got 24,000 employees of the FBI, and we know all the good things that the FBI does for our Nation. So that is 30,000 employees with border patrol and the FBI. With the IRS, the IRS has 111,000 employees, almost four times the number of employees that we have in those other two departments. It really shows you what our government's priorities have been. I think we need to change those priorities.

Another thing that is interesting, as we mentioned, April 15 was just yesterday, taxpayers all across this Nation were trying to figure out how much they owed to make sure that they paid what they owed; 1.7 billion hours were spent by taxpayers figuring their taxes and the next figure is really shocking, $140 billion was spent by taxpayers for attorneys and accountants to figure

out what their taxes were, time basically wasted figuring out taxes, $140 billion. I would argue that that time could be much more productively spent in many other ways.

I had a town meeting, many of the other Members that spoke here this evening mentioned they had town meetings on the weekend. I had a town meeting in my district. I represent the 1st district of Ohio, which is basically most of the city of Cincinnati and some of the western suburban communities. We had about 125 people at the town meeting.

I started out with a question at the beginning: How many people here feel that taxes in this country are relatively low and perhaps we could raise them to balance the budget or do more government programs, whatever? Not one hand went up.

Then I asked, how many people feel that taxes are about right in this country? I expected we might get a few hands. We did not get one hand that said that taxes are anything near what they ought to be. Then I asked, how many people feel that we are overtaxed in this country, we need tax relief? And every single hand in that room went up.

These are just regular citizens from my community, the Cincinnati area, and that is probably true all across this Nation.

We had a couple of groups that were represented there, a group called TEE. We have had some grass roots groups that just formed in the community a few years ago. TEE is one. It is Taxed Enough Already. Brenda Kuhn is the founder of that organization. We have the True Blue Patriots, Pat Cooksey, founder of that organization that was there, and also Tom Brinkman, who is the treasurer of a group called CATS, Citizens Against Taxes and Spending.

So we have actually in my community, in reaction to this high level of taxes, we have actually had regular men and women, average working people form groups to try to petition their government to get off their backs, give them some tax relief. And I think it is time that we did that.

I want to thank all the Members of the House who came here this evening to discuss and participate in this topic which could not be more timely about tax relief. I would like to say finally that I think it is time that we work together, Democrats and Republicans, and, yes, the President of the United States, we should all work together to give tax relief to the American people. It is time we get the job done. Let us get working on it. Let us relieve the American people of the huge tax burden that this government has placed on their backs.

Thank you very much for participating this evening.

TAXES, EXPENDITURES, AND BUDGETS

The SPEAKER pro tempore (Mr. WHITE). Under the Speaker's announced policy of May 12, 1995, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, today I would like to continue the discussion about taxes, let us talk about taxes and expenditures and budgets. But before we do that, there were some tributes by my colleagues to Ron Brown, and I would like to add my tribute to that number. And I think that the chairman of the Congressional Black Caucus, the gentleman from New Jersey [Mr. PAYNE], is here for that purpose, too.

I yield to the gentleman from Virginia [Mr. PAYNE] for his statement on Ron Brown, and then I will follow with my statement on Ron Brown and then go on with the rest of the discussion.

TRIBUTE TO RON BROWN

Mr. PAYNE of New Jersey. Mr. Speaker, I thank the gentleman for yielding to me at this time.

Let me say to Mr. OWENS from New York that following your time, we are going to have members of the caucus come and make expressions. And so what I will do at this time is to yield back until the gentleman completes his special order. And then I will return back to the podium.

I thank the gentleman from New York for yielding to me at this time.

Mr. OWENS. Mr. Speaker, I would like to add my voice to the numerous voices that have been raised to pay tribute to Ron Brown. Ron Brown, the mentor for all public servants, he could teach us all a great deal.

I will enter my statement in its entirety into the RECORD, but I would like to read the statement and comment on it.

Ron Brown was a renaissance politician. He was a jack-of-all-trades who mastered all the trades in politics. He was a mentor for seasoned professional politicians, and he was qualified to tutor most of us.

Ron used his considerable influence and charm to become an extraordinary fund raiser for the Democratic Party. From the complex job of raising money to the details of election day engineering, Ron performed with great enthusiasm.

Ron Brown was the kind of person who could raise funds, and I admire him most for that. He probably had a problem like everybody else but he plunged into the process of raising funds and did a great job of that.

There are some people who do fundraising very well, but they are not good at strategy. They are not good at tactics. They do not have certain other qualities. But in addition to being able to raise funds, which we all admired him for, Ron Brown had the talents that went across the entire spectrum in terms of skills that are needed in public life.

I first met Ron Brown in Chicago while campaigning for Harold Washington for mayor of Chicago. Former majority whip Bill Gray, Ron, and I were in a car on a tour through the public housing projects on Chicago's south side. We had been assigned that area to campaign. At that time Ron was working with a well-known, prestigious, and powerful law firm in Washington.

□ 1900

However, on that day it was simply Ron, the lawyer, friend, campaigning for a fellow democrat. We went into huge, tall, cold, concrete buildings and walked on floors which seemed to be completely out of this world. The deterioration and the garbage inside the halls were unbelievable, even to a poor boy like me, whose father has never earned more than the minimum wage. I had lived in some of the poorest neighborhoods in Memphis, TN, and I had worked in some of the poorest neighborhoods in New York. but never had I seen such despair. The only glimmer of light I saw in those high-rise urban tunnels that day were the Harold Washington posters that the residents waved at us when they saw our familiar signs.

We had connected at that point with the most depressed among us.

As my eyes met Ron's eyes, he broke into his signature smile. This is what politics has got to be all about, he said, as we plunged into the crowd of outstretched hands and marched through the halls reminding folks that tomorrow was the day to go out and elect the first African-American mayor of Chicago.

Ron Brown was the unifying driving force behind the most successful and conflict-free convention the Democrats have had in nearly two decades. Ron was a star who kept his poise. He kept peace among the many party factions and made the Democratic National Committee an effective force to be reckoned with in politics.

Ron Brown was a masterful strategist who began his tenure as party chairman with several special election victories despite great obstacles. He was a great communicator, and he was a great cheerleader who also understood the nuts and bolts of winning campaigns.

Seldom in America does one man so gracefully transcend the racial chasm as Ron Brown did, and in his journey he deeply touched the heart and soul of a Nation.

As our Secretary of Commerce, he was our corporate ambassador to the world. As the chairman of the splintered, fractured Democratic Party, he was the glue that held it together, and in so doing he delivered the White House and became the most beloved chairman in history.

Ron Brown was undaunted and unfazed by challenges. Being a first was not unusual for him. He was the first African-American in his college fraternity, the first African-American counsel for the Senate Judiciary Committee, and the list goes on and on.

Ron was a trailblazer and an eternal optimist. He saw no mountain that

could not be climbed or moved or conquered.

The nation has lost a great leader and statesman. I join Ron's many colleagues and friends, not in mourning his death, but in celebrating his life, his accomplishments, his style and spirit. Ron Brown will be missed, but Ron Brown will never be forgotten.

Ron Brown was an ambassador for corporate America. Ron Brown was about the business of expanding the markets of America across the globe. Ron Brown understood that a prosperous America was an America that would generate the revenues needed to do the things that had to be done in our country for all Americans.

At this point in our year, April 16, it is a day after tax day. April 15 is a dreaded day by most Americans. My colleagues who preceded me in this special order before talked about taxes and the need to lower taxes for American families, and although my colleagues who have spoken before were all Republicans, I want to go on record and have the whole world hear that I agree 100 percent with my Republican colleagues. We need to lower taxes for families and individuals in the United States. We need to lower taxes, and I have talked about that on many occasions here.

The problem is that we are taxing families and individuals too harshly. Families and individuals are paying too much because corporations are paying too little.

In 1943, the corporations were paying almost 40 percent of the total income tax burden in this country, 27 percent by individuals and families, and almost 40 percent by corporations in 1943.

By 1983, the amount of money being paid by corporations under Ronald Reagan's administration fell as low as 4 percent, 4 percent, while individual taxes went up to 48 percent. The share of income taxes paid by families and individuals went as high as 48 percent, while the share for corporations went down as low as 4 percent in 1983.

Today we still have a gross inequity. The share of taxes paid by corporations, income taxes, is only 11.4 percent, while the share paid by individuals and families is four times that amount, 44 percent.

So I agree with my Republican colleagues. I only regret that they spent so much time talking without confronting a few very basic truths.

The basic truth that they refuse to come to grips with is that the corporations who represent the energies in America that are making the greatest amount of money; prosperity has been good to corporations because corporations have known how to take advantage of technological progress. They have taken advantage of all the research and development that has gone forth under the aegis of the taxpayers.

Taxpayers are the ones who have paid for the research and development for computers for radar. Taxpayers are the ones who have led to many who finance transistor research and miniaturization, telecommunications of all kinds. Taxpayers of America have been the driving force behind this. Corporations have known how to organize, take advantage of this and produce products.

So our economy is booming on Wall Street, and corporations are making a great deal of money. And nobody regrets that at all. We applaud that. The corporations should be paying a greater share of the taxes, and, as we move past income tax day, April 15, Americans should think very seriously about the inequities, the imbalance in the share of taxes paid by corporations verusus individuals.

Yes, we need a tax cut.

My colleagues before who were speaking said they spoke to crowds and asked people do you think you are paying enough taxes, and nobody raised their hands and said, yes, I am paying enough. I would agree. I do not—yes, I am paying too much. I mean do you think you pay too much tax? Everybody raise their hand and say, yes, I pay too much. I would agree I am paying too much. Most families and individuals are paying too much, in my opinion.

In order to raise the revenue needed to run this country, we need to have a more equal balance in terms of corporations paying their fair share. We need to have some of the corporate welfare programs taken away. The other side of it is reducing the expenditures.

You know, Federal taxes also, we must understand, spread the wealth in America, and I think my colleagues on the other side who talk at length about taxes did not bother to mention the fact that Federal taxation polices represent some of the greatest generosity in America. Some of the spirit of being my brother's keeper, especially in the case of the east coast, especially even more so in the case of New Yorkers on the east coast; you know, the tradition has been that the wealth first accumulated on the east coast, and Franklin Roosevelt and his tax policies were such that he increased the taxes of people who had the money, most of them residing on the east coast and the Rust Belt States, they call them now, industrialized States. The money was there, and by initiating Federal programs like the Social Security Program and other Federal programs, Rural Electrification Program and a number of other programs that had to be paid for, he can only pay for them with taxes raised on the east coast and in the industrial States where they had the money, and that tradition has continued until today.

New York was one of the States that had to pay out large amounts of money in order to help take care of the needs of the rest of the country, and so it is even until now on many occasions I have stood here and talked about the fact that New York for the last 20 years, as a State, has paid into the Federal Treasury more money than it has received back from the Federal Government in terms of aid.

Federal aid going to New York has always been lower than it has been, than the amount of money that New Yorkers have paid in taxes. New York State in 1994 paid $18.9 billion more into the Federal Treasury than they got back in terms of Federal aid. Before that, in 1993 New York paid $23 billion more in Federal taxes than New York State got back in Federal aid.

Now, many people have asked me, well, you know, what are you talking about, where do you get these outrageous figures, where they come from, and I have quoted before, and I just brought back the booklet today, a study that is done every year. It is called ''The Federal Budget and the States,'' and this study is done every year. It documents everything that I have said in terms of some States are donor States and some States are recipient States. The Federal budgets in the fiscal year 1994 is what I am holding in my hand.

Its introduction is by DANIEL PATRICK MOYNIHAN because Senator DANIEL PATRICK MOYNIHAN of the State of New York has pioneered and highlighted these great inequities for many years.

This study, this report, was done by Monica E. Fryer and Herman B. Leonard, and it is published by the Taubman Center for State and Local Government at the Kennedy School of Government at Harvard University.

So the study is available for anybody who wants to see it. There are many fascinating facts beyond the fact that New York State consistently has paid more in taxes than it has received back. They have looked at aid in terms of salaries of military personnel who live in a given State, they looked at aid in terms of Medicaid and Medicare, dollars that come from the Federal Government; they looked at aid in terms of programs for job training; title I; all the aid lumped together. And they can tell you how much each State received back from the Federal Government versus what the State paid in.

So New York is a big donor State. It has been that way for a long time, and I think Franklin Roosevelt clearly understood that, that Federal taxes spread the wealth, and they have spread it across to places that most of the States in the South. Practically all of the States in the South are recipient States, they get more from the Federal Government than they give back to the Federal Government.

Mississippi receives $6 billion more from the Federal Government than Mississippi pays in taxes to the Federal Government. And some of the gentleman who were speaking before had better beware; if you remove the role of the Federal Government in collecting taxes and you want to leave more of it to the States, the States who will lose the most are States in the South because the States in the South combined receive $65 billion more from the

Federal Government than they pay into the Federal Government. And I will repeat that because I do not want the figure to get lost: $65 billion more is received from the Federal Government than the States of the South collectively pay into the Federal Government.

□ 1915

Georgia receives $2 billion more from the Federal Government than Georgia pays into the Federal Government in taxes. The county in the United States which receives the highest amount of money per capita is the county represented by the Speaker of the House. That county receives more money per capita than any other county in the country in terms of Federal aid. So we should beware, and when we talk about taxes let us talk about all the facts. Let us talk about the most significant facts.

Yes, individuals and families are paying too much in taxes. Yes, the corporate world is not paying their fair share. They are paying too little. They are making the money, but they are paying less.

If we want a tax cut, I am all in favor of a tax cut. I stand here as an acknowledged, unashamed, proud liberal, and I agree with my Republican colleagues on the other side who said that families are being taxed too much. We need a tax cut. It may begin with where President Clinton has begun in terms of a tax cut for education, to aid with tuition, a tax cut for families in terms of creating a situation with families with direct benefits, so much per child, $500. There is agreement between Republicans and Democrats on that.

I think as we do it, we should look at the situation. I would understand that a tax cut should not mean that we end up cutting aid to education or cutting Medicaid. A tax cut for individuals and families means we should balance off the situation and make certain that where the money is needed, it goes there.

We cannot responsibility deal with tax cuts unless we deal with the expenditure side, what is happening with respect to the budget. The budget and the waste in the budget must be dealt with also, and I have a great disagreement with my colleagues on the other side about where you ought to begin dealing with the waste. The waste is not in aid to education, the waste is not in Medicaid, although there is waste and corruption in health care programs. The real waste is in other places. I have cited some of that waste before.

I have gotten some questions over the recess, and people said, ''How dare you say that the CIA has $2 billion that they did not know they had and $2 billion that are just sitting there while the deficit grows and programs are being cut''? And my answer was, ''Yes, they probably have more than $2 billion, because the public figure that has been stated, not confirmed by the CIA but not denied by the CIA, has been $2 billion. They probably have more. It was in the coffers over there, petty cash, slush fund, whatever you want to call it. Folks have challenged that. I have said I am only quoting from the New York Times and the Washington Post.

There were several articles that appeared on the pages of the New York Times and the Washington Post. Many of my friends did not see them. Even some of my colleagues here in Congress, when I asked them to sign a letter to the President asking him to use that $2 billion to restore the funding for title I and for Head Start and for summer youth employment, they questioned me, ''Where did you get your figures from?'' I told them, off the front pages of the New York Times and the Washington Post.

One article that appeared talked about the President firing two people who had been considered responsible for this. This was in February, on February 27, 1996:

> The top two managers of the National Reconnaissance Office, a secret agency that builds satellites, were dismissed today after losing track of more than $2 billion in classified money.

It goes on to talk about how no audit had been done for a long time, and this agency had accumulated these funds. And $2 billion, you know, if there is $2 billion there, then the question is how many other entities, sacred cows in the government, also are sitting on funds? That popped into my head, how many others.

And then, lo and behold, just a few weeks ago a report came out which said that the Federal Reserve, the Federal Reserve that is responsible for our economy, who are responsible for advising us how to run the economy most effectively and efficiently, the Federal Reserve has $3.7 billion, $3.7 billion in its slush fund.

An audit by the GAO shows that the Federal Reserve has $3.7 billion in what they call the surplus account. A surplus account. Now, if that $3.7 billion was returned to the Treasury, think of how much interest we would not have to be paying on the debt. The interest on $3.7 billion worth of money would be relieved and we would not have to pay that. It could reduce the deficit by $3.7 billion, but it is sitting in the Federal Reserve coffers. It is called a surplus account. The General Accounting Office makes this statement:

> Although the surplus account is intended to absorb possible losses, the Federal Reserve has recorded substantial net profits for 79 consecutive years.

Do Members hear what I am saying? The surplus account is kept, the Federal Reserve says, because they may have losses in their operation. It is a self-sustaining operation. They loan money, they charge interest for that, they charge money for services. They might lose money 1 year, so they say they keep the $3.7 billion around because they might lose money and they need to make that up. It is a rainy day fund for the Federal Reserve.

But they have not lost any money for 79 consecutive years. ''Even though the likelihood of the system's incurring losses, exceeding its revenues, appears remote,'' I am reading from the GAO report, ''the total surplus increased 79 percent in the 1988 to 1994 period, rising from $2.1 billion to $3.7 billion.''

The Federal Reserve has $3.7 billion lying around, doing nothing, as a rainy day fund. So yes, you are paying too much taxes. You are paying too much taxes, because we do not have corporations that have carried their fair share. You also pay too much taxes because we have waste in government.

When the President says and all of the leadership says, and I agree, that the era of big government is over, we have different meanings. The era of big government ought to be over. I think the government should be downsized, but the commitments of the government maybe should be increased in certain areas. But in the process of downsizing, how do you not see $3.7 billion in the Federal Reserve?

Why is the search for funds only conducted in job training programs? They go looking for programs that do not operate effectively and efficiently. Why do they go looking there? Why do they go looking in the AFDC programs, Aid to Families with Dependent Children? Why do they go looking in the WIC programs? Why do they always go looking in the programs where the poorest people are served? Why do they go looking in the Medicaid program? Why do you not look first at the CIA? Why do you not look at the Federal Reserve?

The head of the Federal Reserve, Mr. Greenspan, was up for reconfirmation. He has already been there for a long time, so he certainly would be derelict if he did not know about the $3.7 billion that the Federal Reserve has lying around. If he did know, then he ought to answer some questions about, ''Why is this sitting in your coffers as a rainy day fund when it could reduce the deficit?'' But I do not think he was asked those questions because he is an icon of some kind, and he is not a welfare mother. He is not on WIC. We do not treat all people equal in this Government.

It is tax time, Mr. Speaker. It is tax time. We ought to all be concerned with taxes. I hope that the result of our concern with taxes will mean that we will insist on an overhaul and a total reform of our tax system. In the past I have talked about the fact that progressives and liberals have ignored the revenue side too much. We have dealt with expenditures, meeting the needs of people, meeting the needs of the environment, doing what has to be done to make certain that all Americans share in the prosperity of America. All of that is highly desirable, but we have not looked at taxation enough. We have not looked at revenue enough. Revenue is everybody's business.

I propose a Commission on revenue reforms. We ought to take a look at

the proposals for flat taxes. We ought to take a look at other proposals that have been offered; a consumption tax, a value-added tax. We ought to take a look at tax possibilities that exist in terms of taxing the sale of the spectrum, taxing the air above us that belongs to all the people. All of these things should be examined.

This past weekend at the Omni Shoreham Hotel, a conference is being held called a Summit on the Politics of Meaning. I spent a few hours of the last 3 days at this summit. I want to congratulate the organizers of that summit, particularly Michael Lerner, who is the editor of Tikkun magazine.

I would like to congratulate him for being the guiding light and the spearhead for this organization of this summit, because it brings together people from a lot of different areas who are concerned about values, and they are concerned about values and how those values and how love, compassion, can be applied to public policies.

They are concerned about public policies without being necessarily concerned about which person implements those policies. They do not want to get into the dirty business, in quotas, they call it a dirty business, of electoral politics, endorsing candidates, et cetera. I do not think politics is dirty. I think electoral politics is very necessary. I think more good people need to get into electoral politics.

But I agree that it is very useful to have groups and individuals who are concerned primarily about issues, and this particular summit on the politics of meaning, which was called by Michael Lerner, the editor of Tikkun, focused on how do you apply a concern for your brother, for your neighbors, in an effective manner in the present situation, when marketplace values dominate, and people talk about family values, but they really do not come to grips with the fact that too many times, the market values dominate our thinking.

How do you apply compassion, how do you apply love, how do you apply concern for your fellow human being if there is a health care industrial complex taking over health care services, and if private health care providers, drug companies and insurance companies, are buying up health maintenance organizations, and health maintenance organizations are set up to make a profit, in addition to providing a service? It has been hard enough for health care providers to just provide a service, but now, in addition to delivering a service, they have to make a profit.

It may be good, it may be an improvement, but we are moving so rapidly in this area that it is clear that a government health care industrial complex is about to take over, and it is not moving in a way which gives anybody else an opportunity to have developed this new emerging health care system for all the people. So how do we apply love and compassion to the problem that is confronting us?

I want to just read part of Michael Lerner's call for people to come and join this summit on the politics of meaning. They brought together people from all walks of life, they brought together people from all religions. It is very interesting to see people of the Jewish religion with people who are in every denomination of the Christian religion: Unitarian Universalists, Baptists, Methodists, Catholics. I heard all kinds of people speak. I heard a lesbian minister speak.

They were all there asserting the fact that human beings have hearts, and human beings, at their very best, are capable of great compassion, and human beings need to return from the values of the marketplace and assert those values of love and compassion in their daily lives and in public policy development. It was quite a summit. It is closing out tonight.

I just want to read a few sections from the call for the summit, in tribute to what Michael Lerner and his colleagues have done. I am quoting Michael Lerner:

Like many people, I am distressed at the deep ethical and spiritual crisis facing this country. The attempts to dismantle social support for the poor without setting up anything else in its place is only the latest stage of the continued erosion of fundamental human values.

It is not clear that the Democrats have adequately grasped why people have turned to the right. In addition to my normal job as editor of Tikkun Magazine, I am a psychotherapist, and for 10 years I did extensive research leading 12-week groups for middle-income working class people, focused in part on why they were turning to the Right. What I found was this. People turn to the Right because it speaks, although in a distorted way, to the hunger people have for meaning and higher purpose.

The fundamental problem with liberal and progressive forces is that they don't understand this hunger for meaning, and so they come up with programs and policies which are narrowly technocratic and don't speak to the soul.

I am quoting from Michael Lerner, the convener of the summit on the politics of meaning.

I continue to quote:

Faced with a society whose dominant ethos is selfishness and cynicism, many people conclude that the best way to protect themselves is to narrow their ''circles of caring'' to themselves and their immediate families and narrowly-defined communities. My research suggested that many people actually wish for a very different kind of society, one based on Biblical values of love, justice, and mutual recognition, the ability to see others, and be seen oneself, as an embodiment of the image of God. Yet everyday in the world of work people are rewarded for precisely the opposite, the ability to see others as objects, the supposed commonsense that ''looking out for No. 1'' is the only reasonably way to live, and the ethos of selfishness, materialism, and cynicism.

Continuing to quote Michael Lerner:

Ironically, it is this very ethos, learned in the world of work, which becomes the central source of people's unhappiness in personal life. Surrounded by others who live by that very same ethos, people increasingly come to feel that everyone is only out for themselves, and that they had better do the same. A ''rip-off mentality'' begins to pervade the social order, and people increasingly come to feel frightened, alone, and cynical about others. No wonder that it becomes hard to hear those who call upon them to ''love thy neighbor,'' when doing so seems so counterintuitive to the ''real world.''

There is no way to change this without a frontal assault on the ethos of selfishness, materialism, and cynicism in our society, and that is precisely what the politics of meaning advocated by the Foundation for Ethics and Meaning attempts to do. The goal of the politics of meaning is to ''switch the bottom line'' in American society away from measuring productivity or efficiency primarily in terms of the degree to which institutions maximize wealth or power to a new criteria: the degree to which an institution helps to foster ethically, spiritually, and ecologically sensitive human beings capable of sustaining long-term committed loving relationships.

I continue to quote Michael Lerner:

This may all sound very visionary and far-off, but in fact it is actually far more practical short-term politics than the various attempts to protect this or that item in the budget at a time when the dominant climate is calling for dramatic budget and tax reductions. It is far more likely that large sections of the American public will respond to an alternative vision to the conservative one that is increasingly dominating both parties than to a nit-picking approach that accepts the dominant assumptions and seeks to minimanage how it is implemented.

It is not that these details are totally unimportant, and the response of many Americans to Clinton's willingness to stand up to the Republicans gives us some indication of the power his presidency might have had had he been willing to fight for something at other points along the way. But the basic problem is that Clinton is not putting forward a different set of principles, and eventually most people get weary of staying tuned to the details of implementation of assumptions that both sides seem to share.

''The first stage'' of a strategy to change this ''is to convene a gathering of people who may be interested in becoming the core group for a politics of meaning strategy. This is the 'ground floor' meeting. We are calling it the national Summit on Ethics and Meaning at the Omni Shoreham Hotel in Washington, D.C. April 14–16, 1996. This summit will bring together a wide variety of people who wish to challenge the materialism and selfishness in American society, but who have previously not thought of themselves as part of a political movement to do so. The Summit will serve a dual function. On the one hand, it will be an opportunity to explore the ideas of a politics of meaning in some detail,'' to refine the politics of meaning ideas,'' and to refine the strategy around them.

I end the quotation from the call put out by Michael Lerner for the Politics of Meaning Summit, and I mentioned that because I found the summit very inspiring. They expected 600 people to show up, to turn out for the summit and they got 1800 instead of 600. There is a hunger for meaning and there is a hunger for values. There is a hunger for ways to express compassion and love in the making of public policies, and I think that the summit on the Politics of Meaning is a great beginning in the movement in this direction.

I say all of this because in the present budget battles, we talk about

taxes and I said before when you talk about taxes and the need for taxes, taxes are kind of a necessary evil. If you are going to deal with a fairer taxation system, then we should get on with the business of trying to make certain that corporations pay their fair share, because corporations are entities that are now making large amounts of money and they can afford to pay that share.

In the absence of fairness, in the absence of an approach which reaches out to those who can afford to produce the revenue and get the adequate amounts of revenue, we have a situation where an attempt is being made to make up for what the corporations are not paying, their fair share, by cutting the expenditures for programs that help the people who need the most help. This has produced a crisis in this country. There is a crisis in neighborhoods like the neighborhoods that I represent because people are very much concerned and they are very much appropriately alarmed by the speed at which certain programs that have existed for the last 30 years or 40 years are being taken away. Medicare and Medicaid are merely 30 years old. Medicaid and Medicare are now being threatened. The entitlement for Medicaid is under a great threat because the governors of all the States, both Democratic governors and Republican governors met and they decided that the entitlement for Medicaid should be removed, that the Federal Government should no longer assume the responsibility for providing health care to everybody who is poor enough to meet a means test which says that they are eligible to have the health care that they need when they meet it. The States will not assume that responsibility of providing health care to everybody who needs it when they need it. The States will only spend as much as they have. They want a block grant. They want the Federal Government to give them the money in a block grant and they will decide how to spend the money, they will decide who is eligible for it, and when the money runs out, they have no vehicle. Most States operate on balanced budgets. They must not spend any more than their revenues take in. When they run out of money, then if there are any sick people or any people who need to go into nursing homes because two-thirds of the money that Medicaid spends provides nursing homes for people who cannot afford their own nursing home expenses. Many people who are middle class and they are on Medicare, when they get very ill and they are forced to spend large amounts of money beyond what their insurance provides, they end up being poor by the time they are required to go into a nursing home because their health has degenerated. When they are required to go into nursing homes, they have no more funds, so it is Medicaid that picks up the cost. Two-thirds of the money spent by Medicaid goes to pay for nursing homes for elderly people.

So we have a situation where people are alarmed because that is threatened. Medicaid has been here now for 30 years. Medicaid is the only step we have taken in this country toward universal health care. All of the other industrialized nations except South Africa have some form of universal health care, health care for every citizen who needs it. But we do not have it. Medicaid represented a step in that direction. If they take away the entitlement for Medicaid, which is very much a possibility, right now here in Washington, if they take away that entitlement, we are in serious trouble. We have not only lost a service that is a vital need for the survival of many Americans, we have also taken an ideological step backwards. We will never have universal health care if we allow that retreat to take place. So people are concerned that this crisis has been created and we are acting as if the country is going to go broke if we do not have drastic cuts in public housing money, drastic cuts in education, drastic cuts in Medicaid, Medicare, drastic cuts in job training programs.

That is what the Republican majority has done in the last 15 months. They have generated an atmosphere of crisis. That atmosphere of crisis is being used as an excuse to cut the safety net programs that have been built up since World War II and really started before that with President Roosevelt's New Deal. They are going to take all that away. At the same time they are going to spend large amounts of money on new fighter plane systems, on a new antimissile system and continue to spend large amounts of money on the defense budget. All of this is a crisis that they have created and it is very interesting to note some of the effects of that crisis. Some of the effects is that the people in our communities instead of understanding the need to rise up and fight this kind of artificially created crisis and to fight the people who have created the crisis, they are turning on themselves. In health care we have situations where hospitals in New York City are being proposed to be sold. Some are being proposed for leasing. One hospital that is a State institution primarily, Kings Borough Hospital in my district, has been told they will shut down by August. They are going to shut the hospital down, which is primarily a hospital for the mentally ill. In this process, we find some other hospitals in the area nearby willing to speed up the process of closing their fellow institution by agreeing to take over various parts of their activities, even when it is not feasible.

Brooklyn is a community with 2.5 million people. Brooklyn if it were a city would be the sixth or seventh largest city in the country. But in Brooklyn there is one mental hospital of this kind. So 2.5 million people need that hospital. We do not need to be told we can travel somewhere else. We have the population concentration. We need it. The institution should not help the Republican governor balance his budget on the backs of the mentally ill by taking parts of the functions of this hospital.

So I have asked all the hospitals to take an anticannibalism pledge, don't cannibalize the institution, and I have asked other hospitals in other parts of the city, as we fight to maintain decent health care in the communities that need health care most, let us not cooperate with the mayor, the Republican mayor who wants to sell hospitals and lease hospitals, let us not cooperate by cannibalizing each other. Hospitals should not cannibalize each other. They should take a pledge that New York City, with 8 million people, needs all of its hospitals. If it does not need all of the beds, then we do not have to have all the beds. We can restructure health care in various ways. But we basically need all the hospitals. And we can provide health care for people who are from outside the city. An accumulation of the best experts in the medical fields has taken place in that city and health care should be seen as an industry as well as a service, and that industry can serve areas from outside the city as well as inside the city. So the cannibalism should not take place. I caution every American who is wary and concerned and even panicked by the budget cuts that have been generated by the Republican majority not to participate in cannibalization. I have seen examples of it in the area of education recently.

There are people who want to see special education programs closed down or drastically reduced because they want more money for the regular education program. Well, the regular education programs and the people who advocate them, as we all do, the regular education programs should confront the people who have created the crisis. We do not need cuts in title I. We do not need cuts in the teacher training programs. We do not need those cuts. We need instead the kinds of increases for education that President Clinton has proposed.

Education is ranked very high in the polls by Americans every time polls are taken. So why are we cutting back on the education budget and why are people in the education community willing to engage in cannibalism? Don't try to eat the special education programs. Let us fight for more funds, both for special education programs and for title I programs and for any other programs that are needed. Let us fight the State governments, let us fight the city governments, let us fight the Federal Government to get the fair share of the allocated dollars for education.

The cannibalization of special education is under way now. There is a bill that is being introduced by the Republican majority in the community that I serve on, and they are trying to take advantage of the fact that shortsighted people out there are moving to try to

rush into a shutdown of special education programs because they cost more than other education programs do and my answer to them is let us all put our heads together with reason and some hard examination and scrutiny, and let us try to come up with the best possible program we can come up with. Let us make cuts of waste where it exists.

□ 1945

Let us not cannibalize education programs. Let us not destroy good special education programs. Across the country, I hope that the people in the community of people with disabilities understand the kind of hostility that has been generated by this Republican majority here in the House of Representatives toward all programs for people with disabilities. What is happening to the special education programs right now and the legislation is indicative of the kind of hostility that is shown by the Republican majority. We have to meet that hostility with a demand that adequate amounts of money be made available for all education.

Let us celebrate today, the fact that according to reports that have appeared in a number of places, it has not been voted on, on the floor yet, but the cuts in title I are no more. Title I will not be cut in this budget, I am told. This year's budget will be at the same level as last year's budget. Let us celebrate, all of the people out there who have been so anguished by the assault on education programs, know that we have fought the good fight.

We have kept our promise and stopped the extremists from rolling over us and the extremists have decided to retreat. There will be no cut in title I. Title I will be kept at the same level as last year. There will be no cut in Head Start. Let us celebrate. Let us celebrate the fact that we have kept the faith. We have stopped the extremists.

There will be no cut in Head Start in this annual budget. Let us celebrate the fact that the money is now almost assured for the Summer Youth Employment Program. It is less than it should be, but it is about almost at the same level as last year, last summer. Let us celebrate, a few weeks ago, there was zero in the budget and no talk of remedying that problem. So let us celebrate what the great fight has proposed. Let us celebrate the fact that by fighting, by standing up, Democrats have kept their promise of stopping the extremism.

Extremism, the manufactured crisis, the artificial crisis, the unreal crisis created by an extreme majority in this Congress, has not prevailed in the area of education. So let there be no more cannibalization. Let all the people in the education world, the superintendents, the State education commissioners, the principals, let us stop sharpening our knives for the funds that may be available if drastic cuts are made in special education programs. We do not need to do things which we would be ashamed of in a few years. We do not need the atrocities of throwing children out of classes because of the fact that they are disruptive, we have not been able to deal with it. But we mainly want to use that as an excuse to cut down on the number of children in special education programs.

We do not want to abandon the free-education doctrine that has prevailed for so many years. We do not want to abandon the right of parents to follow a due process procedure and to have legal assistance in doing that in going through that process. We do not want to cannibalize special education programs any more than we want to watch health care programs cannibalized also.

On May 19, in New York City, we have declared that it is Hospital Support Sunday, Sunday, May 19. On that Sunday, we are trying to bring out as many people as possible to show that everybody cares about health care. It is not just the unions who have people who work in the hospitals. It is not only the doctors and the professional staff who have a vested interest in the hospitals. But it is everybody. It is the patients, it is the community, the people surrounding the hospital. It is everybody who cares about hospitals in New York City. They want to come out.

Mr. Speaker, we want to have a set of demands established. The No. 1 demand is that every process of change in the hospital system in New York, whether it involves HMO's or hospitals or clinics, all of those things should be frozen and let the people come forward to participate. We want a citizens' committee instead of cannibalization to make up for what is being cut. We want the people to participate in the restructuring and in the fight to get additional funds where they are needed.

New York is often criticized for spending more money on Medicare and Medicaid than other States. But that same New York, as said before, gives to the Federal Government $1.9 billion more than it gets back. In 1994, we gave $1.9 billion more than we got back. In 1993, we gave $23 billion more in taxes to the Federal Government than we got back.

If we were to let New York have its own money, leave the taxes that we pay to the Federal Government in New York, we could have decent health care. We could have lots of other programs. We could have adequate funding for our colleges and our universities, adequate funding for our schools. We can do a lot with $1.9 billion that does not go somewhere else across the Nation.

That generosity once was a proud gesture for New Yorkers. But we have been spat upon so much and criticized so much, there is so much ingratitude throughout the Nation, especially in the recipient States, that we do not want to continue that any longer. We would like to find a way to have revenue justice.

Let the revenues come back. Let us have some kind of formula where States that year after year pay more into the Federal coffers in taxes than they get back would receive some kind of rebate to go back into their own treasury to meet the needs of their own people. We will not have people so distressed and so distraught that they are stampeded into cannibalizing institutions and taking valuable resources from one much-needed institution in order to put it over here to another.

Mr. Speaker, teachers, principals, commissioners, administrators should not indulge in that in education. Doctors, hospital administrators should not indulge in that kind of practice in the area of health care. We do not need to eat each other. Instead we should fight for a fair share of the resources that are available, and we should fight to make more resources available by having the corporations pay their fair share of the taxes.

We started the discussion with taxes. Let us close it out with a discussion of taxes. I have an article here, April 15, 1996, Mr. Robert D. Novak. I do not usually quote Mr. Novak. The article is entitled GOP Deficit Trap. In this article, Mr. Novak says that it appears from reports from the Congressional Budget Office that we will have a balanced budget by the year 2002, without all of these drastic cuts that are being made and proposed by the Republican majority. It appears that the deficit can be erased without one dime from entitlements. Members do not have to take one dime from social security, Medicare and Medicaid alike.

That is what Mr. Robert D. Novak said, who is not a proud liberal on my end of the spectrum. He is on the other end of the spectrum. And Mr. Novak goes on to talk about what he calls a GOP deficit trap. He says the GOP has been, unfortunately, obsessed with ending the deficit and balancing the budget. They made a great mistake. We are going to be able to balance the budget and have funds for everybody on a reasonable basis without having to make the Herculean, drastic kind of cuts being proposed.

So I end by saying yesterday was tax day. Today every American should take it very seriously. Take a harsh look at your Government. Examine how we are being taxed, how unjust the tax system is, how uneven the tax system is, how the corporations are paying only 11 percent while individuals are paying 44 percent, four times as much as the corporations are paying.

That is part of the answer. The other part of the answer is; where is the waste? Where do these expenditures need to be cut? Go look in the coffers of the CIA. They have $2 billion in a slush fund, a petty cash fund. Go look in the coffers of the Federal Reserve. They have $3.7 billion. Then they are jamming some of these other agencies. We better take a look at a lot of the

others, the space agency, the nuclear commission. All of these icons of Government need to be closely examined to see where is our money. The Department of Agriculture, which gives away money, has forgiven $12 billion in debts to farmers, for Farmers Home Loan mortgages.

Mr. Speaker, it is tax time. It is a time we take seriously where the revenues come from and where the expenditures go. Every American ought to get involved. They ought to get involved with compassion and love and concern for their fellow man.

Mr. Speaker, I include Mr. Novak's article of April 15, 1996, for the RECORD:

[From the Washington Post, Apr. 15, 1996]

GOP DEFICIT TRAP

(By Robert D. Novak)

As Republican congressional leaders on March 28 were poised to flee Washington for a two-week Easter break, they failed to notice a ''preliminary report'' on the government's long-term fiscal outlook prepared by their own Congressional Budget Office (CBO). But President Clinton's eagle-eyed number crunchers quickly perused it and could scarcely contain their delight.

The report estimated the federal budget deficit for the year 2002 down to $107 billion—miraculously, $37 billion lower than the CBO number just three months earlier. Thus, the president and the Republicans are but a short, easy hop away from balancing the budget in seven years as measured by the CBO, as they each have agreed to attempt.

Good news? for Clinton, yes. For the Republicans, no. The hop to budget balance is too short and too easy. By this route, the deficit can be erased without one dime from entitlements—Social Security, Medicare, Medicaid and the like—whose immense growth could eventually ruin the economy. What's more, the deficit would be eliminated without downsizing the present massive structure of the federal government or relieving the onerous tax burden.

The Republicans are in a deficit trap. In their first experience controlling Congress in 40 years, they have gradually lost emphasis on revolutionary change in government by obsessing on the deficit. The president is on the brink of a major victory—achieving a zero deficit without significantly altering the federal leviathan and without providing real tax relief.

This became clear to Clinton's budget experts when they read the CBO's March 28 report forecasting the effects of a freeze at 1996 dollar levels of ''discretionary'' spending—amounts affected by the congressional appropriations process, as contrasted with entitlements.

The 2002 deficit estimate of $107 billion was reduced from the $144 billion in CBO's December 1995 update. Its reason: ''largely'' the piecemeal reductions in appropriations painstakingly passed by Congress that were not vetoed by Clinton. Assumed lower interest rates that would result from a balanced budget also were factored in.

The president's aides immediately telephoned their Republican counterparts in Congress, pointing out the new numbers and proposing: Let's get together now and make a seven-year budget deal!

The components of such a deal are not hard to envision: the small reductions in Medicare and Medicaid growth already proposed by Clinton, plus a few more cuts in discretionary spending. The package might also include a modest tax reduction (with some capital gains cuts) drafted by the Joint Tax Committee and tentatively endorsed by administration officials.

But Capitol Hill was empty of Republican policy-makers for the last two weeks, and what the White House was proposing was above the pay grade of GOP staffers still there. Such a budget deal would have far-reaching effects on the presidential election. Deficit reduction, budget-balancing and even tax reduction would be neutralized as issues for Republicans.

Senate Budget Committee Chairman Pete Domenici, campaigning for reelection in New Mexico, has been informed. So has Sheila Burke, chief of staff for Senate Majority Leader Robert J. Dole. House and Senate GOP budget staffers met last week.

But as Congress reconvenes this week, it is safe to say that there is no Republican policy for dealing with these numbers. In fact, only Bob Dole is in a position to make this decision now that he is the party's prospective presidential nominee.

In his long-accustomed role as a self-described ''doer'' rather than a ''talker,'' the decision would be easy for Dole: Make the deal and accept the congratulatory signing pen from Bill Clinton at the Rose Garden.

It is more difficult now that he must confront Clinton in a broader arena. He must determine whether he will rule out a quick budget agreement and insist that the deficit is not everything and that it is essential to reduce entitlements and taxes for the sake of the economy.

He might even propose a package that adjusts the Consumer Price Index in a way that would cut entitlement payments but also increase tax payments, so that it would have to be accompanied by significant tax reductions. This course might rescue the Republicans from the deficit trap constructed by congressional leaders, including Bob Dole.

THE REPUBLICAN BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. GRAHAM] is recognized for 60 minutes.

Mr. GRAHAM. Mr. Speaker, I think probably a good lead-in to this debate is the last comment of the gentleman from New York [Mr. OWENS] that every American should get involved with what is going on in Congress, and I think compassion and understanding are very good guides to have, and I think reality needs to be in there somewhere.

Let us talk about the budget real quickly, then we are going to get into something near and dear to everyone's heart in this country, and that is education. The Federal role in it, what we have tried to do at the national level in this Congress, I think to improve education, and to have an effective delivery system that recognizes the need to educate our children, to balance the budget, and what role money should play in all that, what role the Federal Government should play.

Mr. Speaker, I find it very interesting that we can balance the budget and remove the deficit without affecting entitlements. That is very curious. I need to read the article by Mr. Novak. As I understand the dynamic that we are facing, two-thirds of the Federal budget that we deal with is on auto pilot. Sixteen percent of the Federal budget is interest payments. We paid more in 1997, will pay more in 1977 for interest on the national debt than the entire Defense Department, over $400 billion.

Forty cents of every individual income tax dollar collected in this country goes to pay the interest element of the national debt. Over 50 percent, I believe it is 51 percent of the Federal budget consists of entitlement spending, such as Medicare, Medicaid and welfare. Medicare has gone up 2,200 percent since 1980.

When we look at the Federal deficit and the national debt, the national debt is over $5 trillion, and I ask people at home what a trillion is. It is a number, it is a term that really is beyond imagination. I think a lot of people can relate to a million. They may not have a million, I certainly do not. But they can relate to the concept of a million dollars. If you spent a million dollars a day, Mr. Speaker, it would take you 2700 years to spend 1 trillion. If you collected $1 trillion in taxes from the American public, it is the equivalent of $3,814 from every man, woman and child in America, and we know that every man, woman, and child in America is not paying taxes. So those of us that are are paying a lot.

Let us talk about the Federal budget now that we understand what 1 trillion is. The Republican budget that Mr. OWENS criticized so harshly and the President vetoed appropriated $12 trillion to run the Federal Government over the next 7 years. That is right, the Republicans have spent $12 trillion at the national level over the next 7 years compared to the last 7 years. That is a 26-percent increase in Federal spending, a 64-percent increase in Medicare alone over the next 7 years, from a $4,800 per senior citizen expenditure this year, to the year 2002, it will grow to $7,100. A tremendous amount of money is being spent on welfare and Medicaid, an over 50-percent increase.

Student loans in the education area, we have increased student loan funds by over 50 percent in the next 7 years. What the Republican budget has done is tremendously increase spending over a 7 year period 20 percent, 6 percent across the board, tremendous increases in entitlements, but less than the projected amounts, because the projected amounts are going to be well above 50 percent, well above 63 percent. Those of us who say that we want to balance the budget, I think we need to start being honest with each, and I know my colleague from Florida has been a real champion in this cause. If Members really want to balance the budget, I think it is time to address why we have debt to begin with.

Why did America get into $5 trillion worth of debt? Was it because Ronald Reagan increased military spending during the 1980's where the deficit did grow? Well, the truth is that he did. I was in the Air Force from 1982 to 1988. After the Carter years, the military was a place that needed expenditures. Spare parts were in short supply. We had squadrons of airplanes grounded.

The Navy could not sail ships because of lack of funding. So Ronald Reagan decided to increase military spending during the 1980's, and Congress allowed him to do so but they required an increase in social spending.

The truth be known, it is not because Ronald Reagan wanted to increase military spending. It is not because Tip O'Neill and Tom Foley increased social spending at the rate of 3 to 1 during the 1980's. The truth is that the national debt grew to such large proportions as it exists today because during the 1980's, entitlement spending went through the roof. One program, Medicare, increased 2200 percent since 1980.

□ 2000

And all of the other entitlements, Medicare and Medicaid, have grown tremendously. Medicaid is growing at 19 percent a year since 1990. So if you want to blame anybody, I think you can blame both parties, because we have sat back and we have watched entitlement spending go through the roof to the point now it is over 50 percent of the Federal budget.

If nothing changes in this country in the next 17 years, the Federal budget, the Federal revenue collected from the taxpayers at the national level, will be spent in two areas: entitlement spending and interest payments on the national debt. It is already two-thirds of our budget. In 17 years it will consume the entire revenue stream. There will be no money left to fund the Defense Department, Education Department, the Commerce Department, and environmental agencies that exist at the Federal level. And that is not a Republican statement. That comes from Senator KERRY, a Democratic Senator, who has been involved in entitlement study and reform. And the facts are just what they are, facts. Entitlement spending is out of control and it is going to consume the entire revenue stream unless we do something about it.

We have tried to do something about it, and I think in a very responsible manner. What we have done is we have allowed increased spending in Medicare alone 2½ times the inflation per year, a 63 percent increase in a 7-year period, a tremendous amount of increase, but we are going to create options available to senior citizens that are more efficient than this 1965 fee-for-service Medicare model that is full of fraud.

We are going to give people something they very rarely get from the Federal Government, and that is a choice. A choice to pick a program that may deliver more effective medicine, less bureaucratically, and a better deal for the taxpayers. It is time to give people choices that mirror private sector growth in health care.

The private sector programs are growing at 3 to 4 percent, the government programs, like Medicare and Medicaid, are growing at 13 and 19 percent because they are very inefficient, they are full of fraud, and they have the wrong incentives. It is hard to get preventive medicine reimbursed under Medicare. The number one expenditure in Medicare is diabetes, but you cannot get insulin paid for.

So it is a system that is really overdue for an overhaul. And we have allowed private sector programs to be placed on the table and let senior citizens make choices, and we are going to give them four to five different options to Medicare as it exists today. But they have to choose. And if they do not want to make a choice, they stay in Medicare as it exists now. And that is just one example.

In Medicaid, we are going to allow the States to take the increased spending at the Federal level and manage care the money. Right now our Medicaid programs are growing at 19 percent. If you are a Medicaid recipient and you go to the hospital and have a $300 visit for a cold, something private insurance would not allow you to do, Medicaid reimburses people for medical conditions four and five times the expense that the private sector manages those same illnesses.

So it is time now to start allowing States to put into place managed care programs for the Medicaid recipient that are good, that are compassionate, but that have cost controls on them so it does not grow at 19 percent.

If you want to improve education in my State of South Carolina, which I do, and I think everybody who is listening to me in South Carolina would like to see that happen, let us change Medicaid. Because when Medicaid grows at 19 percent at the national level, that is the health care for the disabled and the welfare recipient, when it is growing at that rate for the State of South Carolina, to get any Medicaid money from the Federal Government they have to put money on the table. It is a matching formula.

So when the pot of money at the Federal level grows at 19 percent, then for South Carolina to get its Medicaid money, its share grows at the same rate, so you are robbing our State budget to get Medicaid money from the Federal Government. And if we do not change, if we do not change that dynamic, every State's budget is going to be consumed by getting matching portions of Medicaid.

And as the gentleman from New York, MAJOR OWENS, indicated, the Governors in this country, Republican and Democrat alike, have gotten into a room and said: Enough. You are bankrupting our State. We are having to spend most of our budget to get Medicaid dollars because the pot of money at the Federal level is growing so large, the mandates are so onerous, we have no flexibility. Please, give us a break. We can get by on less money if you will give us flexibility to create programs that mirror the private sector.

And unless we do that, ladies and gentlemen, you will not balance the budget. If we do not address the reason Medicare grows at 22 percent every 15 years, it does not matter if you spend less in 7 years to get the numbers right, you are going to be back in debt. It does not matter if you slow the growth of Medicaid down temporarily, as the President's budget does. If you do not change the reason it grows at 19 percent, you are not going to keep the budget balanced. And it does not matter what you do in welfare reform if you do not address the reason people stay on welfare 10½ years.

So what I am looking for is a budget that addresses the reason we got in debt, a budget that addresses the underlying problem, which is entitlement spending. Let us reform entitlements up here in a fair and compassionate way so that we can deliver you a balanced budget that will stay balanced. Let us create a welfare system so that the average person does not stay on it a decade.

I believe most people want to get off welfare, go into the private sector and live with dignity and not be dependent on the Federal Government, but it is darn hard to do that. If you live together as man and wife under our current system, we look at both incomes and deny benefits. If you get a part-time job we will start taking benefits away from you when you start moving up the economic ladder. We are trying to keep your vote, but we are not allowing you to be free from government control.

I am looking for a welfare system that helps people who need help, that will give you training, give you educational assistance and will allow you to get a job. And the way you create a job is not by me talking about it on the floor of the House, it is by lowering taxes so people have more money to invest and grow their businesses.

Capital gains tax reductions will be good for this country. It will create jobs and bring in additional revenue to the Federal Government. It did in the 1980's when we lowered capital gains tax rates, it will in the 1990's if we can ever get it passed.

But the way you create a job is to change this model that currently exists of where we are overtaxed, we overlitigate, and we overregulate. And the ultimate hope of welfare reform is a system that allows people to help themselves, that pushes them forward, that will not pay them to have children they cannot afford, but will have a job waiting on them. And to do that you need to change this bureaucratic model that we have created for the last 40 years that is strangling American business. I think that is compassionate.

I think that is the way to truly deal with the Nation's problems, because the poor in this country want the same thing as anybody else who is an American: the hope of having it better for themselves and their children than the last generation, a chance to have a private pension plan, a chance to have health care that they own and is now given to them by the government. We all have the same values, we just have a different belief on how to get there.

The special order topic really tonight is about education. And nothing is going to change in this country until we provide an educational system that brings the best out in our kids, and that is a school environment where you can go to school and not worry about being beaten up or having a drug deal occur under your nose.

The national role in education since 1979 has grown dramatically. Test scores have gone down. Education quality is stagnant. We are not moving forward by having more control at the national level. The Department of Education's budget in 1979 was about $16 billion. It is $32 billion now. Six percent of all education dollars spent in this country comes from the Federal level. Ninety-four percent of education funding comes from the State and local level.

When you talk about education reductions at the national level, it has to be put in perspective of the total funding. The bad deal is that 50 percent of the mandates, how to spend the money at the local level, comes from the Federal Government. We give you very few dollars, but we put a lot of requirements on our local educators, our State and local systems, and we are not getting a quality product.

The only model that will work, in my opinion, is to have parents and teachers and the community leaders involved, and the current Federal system does not allow that to happen. It is a wall between quality education and the State and local community. I do believe that we have an overly intrusive Federal role in education that is not bringing out the best in our kids, and that we have programs on the books that are very inefficient, all done in the name of compassion.

Title I, that Mr. OWENS mentioned, is a program that started in the 1960's to help school districts that had a disproportionate number of disadvantaged and poor students, to give them a leg up, a little extra tutorial time. That program has grown now to almost where 80 percent of school districts in this country receive title I money. It has become a candy store.

Title I money is spent on disadvantaged students, and the definition of disadvantaged has grown greatly. And the facts are that 80 percent of the people who provide this extra tutorial time are not certified teachers, they are teachers' aids. It is becoming an employment opportunity for the major cities in this country.

The test scores of the children receiving title I assistance have not moved up any. What we are doing is basically we are taking an average of 10 minutes a day extra time for a title I student, getting no return on our money, giving the money to someone who is not a professional educator, trained as a teacher, taking them out of the class and spending $6 billion a year doing that. That is not a good deal for the taxpayer and we are not moving forward.

The gentleman from Florida is going to tell us a bit about Head Start and how unsuccessful that program has been when measured by objective criteria. It is a good idea. It is a compassionate idea, but eventually you have to look to see if the idea is delivering a quality product. Title I is not a good investment educationally or financially, and Head Start, I believe, falls under that same category when you look at the return for your money.

I would yield now to the gentleman from Florida to tell us a little about title I, then we will talk about student loans.

Mr. MICA. I thank the gentleman from South Carolina for yielding, and also I must take a minute and thank him and his other 72 colleagues of the 73 new freshmen in the House of Representatives. How refreshing it is to have people come from all walks of life. Not just attorneys, but somewhere in the neighborhood of three-quarters of this class, this new class of freshmen, come from business. Three-quarters of them have never run for a political office or served in other political office. And they took time from their lives and their family obligations and business and professional obligations, and leaders like the gentleman from South Carolina, Mr. LINDSEY GRAHAM, have come here and looked at how our Government is operating. They brought a message from the people in this last election that the people were not pleased with paying more and getting less, as I often say.

I have only been here 37 months in Congress, so I consider myself part of that new breed, but I commend the gentleman and his colleagues for what they have brought to the Congress and their recommendations. If you consider what we are doing tonight, Mr. LINDSEY GRAHAM from South Carolina is doing tonight, he is here late at night talking about education. He is a Republican, he is a member of the new majority, and the Republicans and Mr. GRAHAM and every one of my Republican colleagues are very committed to good sound education, improving education in this country. We cannot make any better investment. But ask any American, ask any parent, ask any student, ask any teacher about education in the United States today, and they are going to tell you that education is in crises.

Republicans have always been strong supporters of education. Being business men and women and professionals and people who are highly educated, they know that education is really the key to the success of the problems in this country. They know that if you go into the jails, if you go into the unemployment lines in this Nation, if you go into the homes of welfare recipients, you find that they did not have a good education opportunity. But Americans and Republicans and Democrats and independents and anyone who lives and pays taxes in this Nation must be concerned about paying more for education and getting less.

Now, I always drive the other side of the aisle crazy and the Democrats crazy, because I like to deal with facts, and sometimes they come out here and say things and they do not base them on fact. But let me tell you about where we are in education and the facts about paying more and getting less. The fact is, and these are not my statistics, these are published statistics, the fact is SAT scores dropped from a total average of 937 in 1972 to 902 in 1994. The fact is we are spending more and getting less.

The fact is 17-year-olds scored 11 points worse in science in 1970 than in 1994. The fact is reading of 17-year-olds, 17-year-olds who do not read at a proficient level, their reading scores have fallen since 1992. Spending more, getting less.

The fact is, in math, United States students scored worse in math than all other large countries except Spain. The fact is we are spending more and getting less for education.

The fact is 30 percent of all college freshmen must take remedial education, and in my district in central Florida, and I come from a fairly prosperous and successful central Florida area, some of our community colleges, one of the presidents told me over 50 percent of his students entering community college need remedial education. And then I was stunned to read that at another local community college, 71 percent of the entering freshmen need remedial education.

☐ 2015

This is the fact. These are the facts. We are paying more and we are getting less in education. That is what this is about. It is not just how much money we come here and spend, and the people just getting home today and are working and yesterday paid their taxes. And they are sending this incredible amount of their money here to Washington. This is the result of your dollars.

We need to look at how; we came here to look at how effectively we were spending those dollars. I looked at Head Start. Let me again deal with some facts. Let us talk a little bit for a minute about the history of Head Start.

Every Member of this Congress, Mr. Speaker, and every citizen of this country should pay attention to this, because first of all they think Republicans are cutting spending in these areas. The fact is, in education we are proposing increasing expenditures of almost $25 billion over the next 7 years. I tell people that and they say, I thought Republicans were cutting education. The fact is, for possibly illegal aliens, you will not be getting education. That is part of what this debate is about. You do not hear that talked about here. But let us talk about one program that I took some time spending, spending some of my staff work and my personal time in looking at a Head Start program.

Back in the schools that I attended at the University of Florida, I remember serving as the secretary of academic affairs and student government. This is back in the early 1960s. I was committed to trying to make a change and to do some positive things. I remember one of the things we worked on was a project called Project Begin Here, because we knew we had a university, the University of Florida, a great institution, here we had a town, Gainesville, where students did not have opportunities to learn. So we started this Project Begin Here to take the resources of this great university school of education I was a part of and bring it into the community and help give kids an opportunity and an uplift.

We knew that was a key way back then. I supported Head Start Programs back then in the early 1960s. I support Head Start Programs today. The concept is basically good. The problem is look at what has happened.

Look at the time from 1990 to 1995. Head Start funding increased 128 percent. Washington spent over $31.2 billion on the Head Start Program. Those are the types of increases. The House proposed, the House proposed $3.39 billion for 1996, only a minimal reduction from $3.52 billion that was appropriated for 1995. Now, that is not a very big difference. There is a reduction, and let me talk about the purpose for the reduction in a minute. But the funding for this program has grown almost five times as fast as the number of children served. The growth has resulted in a sloppy, I mean disgusting management of the program. This is not what I am saying. This is not a Republican report I am going to detail here. And again, we must look at how we are spending these dollars and what the effect is and what are we getting for the program.

Now, these programs, and again, not Republican reports, and I only want to deal with facts because, as I said, it drives the opposition crazy, this report is the Office of Inspector General, Department of Health and Human Services, evaluating Head Start expansion through the performance indicators. These are 1993. This one is 1993, Head Start expansion grantee experiences.

Let us talk about what we found here. Head Start is 30 years old, and yet there is little evaluation of the program's effectiveness. This is not what I am saying. What there is suggests that academic gains made by kids in the program are in fact temporary. That is what we find. The HHS report found that, one, children may not be fully immunized before leaving the Head Start Program. I mean here we spend hundreds of millions on immunization programs, a government program, and we cannot even get our government program to cooperate with the administration's program to immunize, so number one grade success.

Grantees frequently do not identify families social services needs, another criticism of this, and wait until you hear how we spend the money on trying to identify this.

Grantee's files and records are incomplete, inconsistent and difficult to review. And wait until you hear how I detail what is required as far as administration of this program in one small program in my district.

The HHS report also found that there was no educationally meaningful differences between Head Start children and nonHead Start children by the end of the second year of grade school. Numerous independent studies confirm that the present Head Start Program has only short-term benefits for poor children.

This is not what I have said. This is the report of the inspector general. These are the facts. So this is how they evaluated the program.

So I was contacted by a parent who was a single mother, divorced, I believe, situation with two children and she put her children into the Head Start, had, I think, one or two children in Head Start Program. And she was having a difficult time personally but wanted to give her children every advantage. I commend her for her effort. But then she came to me and said, Mr. MICA, she is a very intelligent woman, a very educated woman. She said, I have had my children in this program and it is a disaster. So I thought, well, I better look at what is going on.

So I went and I looked at the Head Start Program. Let me give you one Head Start Program in one community, and there are some, there are others that are not run in this fashion, but let me tell you what is going on in my area of Florida.

Last year this one program that serves 378 children received over $2 million for the Federal Government, another $550,000 from the State, that is over $2.5 million. The cost per student for a part-time preschool program is $7,325. That is just the local administrative cost, the figures I have, not including this huge bureaucracy they have built in Washington, not including the bureaucracy that they have in Atlanta. I could send the student to the best preschool program, a stellar one in central Florida for this amount of money. And then with the money that bureaucrats are wasting in administration, I would have money left over, plenty of money left over. In addition, I know that the program would be, first of all, longer in duration because this is an abbreviated program. The teachers, there would be at least some certified teachers in the program. And the child would have a much better experience.

This program in central Florida has been found to be deficient by HHS in serving children for the past two years. My attempts to try to change it are totally useless because you have to deal with a bureaucracy in Washington and Atlanta and all kinds of regulations. It is amazing that they can run this.

Listen to the best part. This agency, again the local Head Start Program, one program, 378 students, employs 25 teachers and 25 assistants. Now, that is not bad. But first of all, not one of the teachers that I know of are certified. Not one of the assistants are certified. They have come up with some cockamamie certification program, but basically what you have is a minority employment program.

So then they gather all the minority children together in this program with no certified teachers to basically provide day care services. It is an incredibly expensive price tag. And are these students getting a cultural advantage? Are they getting an educational experience? The answer has to be no.

Now, you have not heard the most outrageous part of this entire story. I asked for the budget for these 378 students. For the 25 teachers, there are nearly 25 administrators. Listen to this: One director gets almost $40,000; an area coordinator gets almost $29,000; another area coordinator, $29,000; an education coordinator, $26,000; a family services coordinator, $26,000; a nutrition coordinator, almost $26,000; mental health disability coordinator, $26,000; another health coordinator, $26,000; personnel training coordinator, $19,000; an educational specialist, $29,000; another educational specialist, $24,000. It goes on and on, $20,000, they go on and on. Then you have family services specialists. It is absolutely mind-boggling.

Then you get to the teachers, the teachers. Here is the teacher, first teacher, $12,000 a year, $14,000 a year. We might even have a teacher in here, there is one for $15,000. I do not have a certified teacher. This is a national disgrace, Mr. Speaker, that my disadvantaged students, 378 of them, that we have this bureaucracy.

Now, it would not be bad if you just had this bureaucracy for this little program, but this incredible amount of money. Let us face it, this is what the debate is all about, Mr. Speaker. I am chairman of the House Civil Service Subcommittee that oversees the Federal employees. So I asked the staff to tell me how many employees there are in the Department of Education. There are 4,876. Now, of all of the departments, I think they probably take the cake, but there are 3,322 just down the street from here, 3,322. I really think the Secretary of Education, Mr. Riley, was taking great pride in how he had reduced the number of people in the Department of Education from some other year. So I ask our staff to also investigate, and they told me that there are thousands upon thousands of contract employees that are not now counted in these figures. But we have 3,322 bureaucrats here pumping out rules and regulations and they pump them out to Tallahassee, my State capital, and other State capitals. They pass then onto Atlanta, and they must pass them on. So we have 25 administrators making twice the amount of money anyone in the classroom made in this program, and we wonder why our students cannot read and why there is this debate. But it is all about spending more and getting less.

□ 2030

Again, these are the facts. Anyone who would like copies of these, any of my colleagues, this is how the programs are run. These are the evaluations. These are not Republican evaluations.

Mr. Speaker, Members can see I get a little bit hot under the collar when they accuse Republicans of cutting education. I have two children. I am concerned about education.

I heard the gentleman from South Carolina talking about Title I. I do not know a lot about it, but I know how important it is to have it as a follow-up program. If you have Head Start and you do not have Title I, we know if the kids cannot read by third grade, as my superintendent so ably says in Seminole County, FL, the school superintendent, he says, they are lost. They cannot read, they cannot write, they cannot do basic math. If we are not spending the money in the classroom on the students, in the programs that need it, for the teachers, we have a problem.

A teacher just came up to me in a Title I Program and stated, ''Mr. MICA, I want you to know, they told me I am going to lose my job, but they are hiring another administrator.'' I almost got sick when I heard that. Here is a teacher in a Title I Program, and Title I programs are important. We need to make sure that for the students who need Title I, that we have a consistent pattern of education; that we just do not do minority grouping with minority employment and give these children a disadvantage. They need an advantage, the very best advantage. Then we need to follow up in first grade and second grade and third grade, so they can read and write, and of course do basic skills.

Mr. Speaker, I want to talk, if I may, just for a minute more. If the gentleman will continue to yield, when I get on these subjects, again, as a former graduate of the University of Florida School of Education, I just get so upset and concerned about the direction of education.

Mr. Speaker, if we take a minute and look at what we are doing to employ students who need skills for real jobs, and I am not talking about $5-an-hour-paying jobs. We know people have difficulty living on minimum wage. But we are talking about jobs that give people an opportunity to be self-sustaining, good-paying jobs. When we start to look at what we are doing with our job training programs, the same accusations, Republicans are cutting money for job training programs.

Again, Mr. Speaker, we must look at what we are doing. The American people must stop, listen, and learn about what is going on with their money. Here is one program for job education. I know this comes under the Department of Labor. Here is an article that says, ''Audit faults job training program.'' This is in Puerto Rico. We also pay for job training there, but the same thing happens in the United States. This report says, ''the department spent about $305,000 for each participant placed in a job-related employment whose employment lasted over 90 days.

Mr. Speaker, this caught my eye just recently in the Washington Post, but there was an article within the last month or so in the Orlando Sentinel that absolutely was flabbergasting. It talked about the State of Florida and job training and education programs. Get this. The State of Florida, one State out of the 50 States, spends $1 billion in their job trainings programs, $1 billion. This was a State audit of those programs.

The State audit said basically that the programs were, almost every one of them, a disaster. It said, in fact, that only 20 percent of the students who entered these job training programs ever completed them, 20 percent who entered. Then, of those who completed the job training program, only 37 percent got a job. Then, of the 37 percent, and remember, that is of the 20 percent who have entered who got a job, they got just above a minimum wage job. Then they found that within 6 months the people were out of a job.

One billion dollars that people spent yesterday in paying their taxes, Floridians and other Americans, to send to Washington for education programs that do not make sense, for job training programs that do not make sense. Again, the reports go on and on.

I served on the committee that oversaw some of these programs, the EPA and some of the others in the previous Congress. I would sit at the hearings and just about fall off my chair to hear how taxpayer money was wasted and abused. But this message is not getting out to the Congress, Mr. Speaker, it is not getting out to the American people, that they are paying more and getting less.

I know in their hearts and in their guts, the American people know this is wrong. They know there is something wrong with the system, and they are dedicated. People are interested in education. Everyone I have met, whether it is someone working in a grocery store or someone who is a high professional in my community, is interested in education. Every Republican wants education. But what we do not want is this huge bureaucracy, this huge ineffectiveness that has cast a spell across the entire country.

What we want, too, are some other things that we may not be able to legislate. We may begin to want to look at how we can restore some true caring, some love, some spiritual values, some values, some discipline in these schoolrooms. You talk to the teachers, I have talked to teachers who have been struck twice. Instead of another art course or a music class, as in where some of my children went, they are putting in security guards. There are police people. We do not have new math teachers or cultural teachers, we have more policepeople. We are putting in metal detectors in our schools. There is something wrong. There is something dramatically wrong. If this does not tell a little bit of the picture, I do not know what does.

Mr. Speaker, I know there are other problems: the welfare system that we have created over 40 years. When children go to school and they have never seen a father, they come from a home that is in total disruption, they have no sense of values, then we wonder why we get into these situations. We are dealing with the problems that we have self-generated in 40 years of decline of family values, of discipline in our schools; of the professionism of education, rather than a 9 to 5 job: If I can just make it through one more day and keep these kids under some control, and keep the discipline to where they do not physically abuse me during the day, I have made it through another day in my classroom. It has to stop.

I just came here for a short time. I do not plan to stay forever. But I am dedicated, and if the gentleman from South Carolina [Mr. GRAHAM] is not here next time or the other freshmen are not here, I know the American people will send more people to get this job done, because they are concerned, and we are concerned. We do not care about the next election, we are concerned about the next generation. When we have to take our children out of schools and we are paying taxes and seeing this result, it is sad. It really is sad.

Mr. Speaker, I thank the gentleman for yielding to me. I get wound up in these debates, but these are all things that I take personally. I am a Republican who cares about education and does not like to have people tell me that we are gutting or cutting education. We are trying to improve, we are trying to re-examine education as it has been done and correct these mistakes, and do a better job with taxpayers' very hard-earned money. Again I thank the gentleman for yielding.

Mr. GRAHAM. Mr. Speaker, I thank very much the gentleman from Florida for talking about facts, because sometimes facts get in the way of a good story. Head Start is a good idea, but when you look at the facts you described, you have to wonder if the program is working as efficiently as the taxpayers deserve for it to work.

It is obvious that you care about education, that you have made it your life's work, but you also care about the national debt, the $5 trillion debt, and the role that money plays in education and the debt have to be examined. I would suggest to you that the education problems in this country are not all about money. They go a lot deeper than that. They are about the breakdown of the home, they are about relying on someone else from far away to solve all your problems, just like a lot of problems exist in America today, and we, the people, are responsible.

You can blame Congress, it is a fashionable thing to do, and we do deserve

to be blamed for allowing this Nation to get so far in debt. We should be allowed to talk openly about improving the educational climate in America and balancing the budget without having people throw rocks at you, because you heard the gentleman from Florida, Mr. MICA, speak. I hope you are convinced, I know I am, that he is sincere about providing a quality education, but he has a responsibility to manage the taxpayers' money wisely and to provide that quality education.

I would suggest that you are not getting a return on your investment, as he has indicated. Let us talk abut student loans for a minute. You have heard a lot of talk about student loans. I know the gentleman from Florida has, and our Speaker is very knowledgeable about the student loan situation in America.

I am the first person in my family to go to college. I am not a country club anything in that regard. I am the first Republican in my district in 120 years. They hung the other guy, so I think I am doing a little bit better. But things are changing down South. It is a district with an average per capita income is $13,200. It is not a wealthy district. It is a very proud district where people want to pass on their hopes and dreams and make it better for their children.

I received student loans. My parents died when I was a junior and senior in college, and I had a 12-year-old sister who received student loans. They worked very hard to give me an education, and I helped my sister, and the Government helped us by allowing student loans, making student loans available to us. That is going to continue, because most of the people in my district who are qualified students to go to college will go into a banker's office and say, I would like to go to college, and the banker will say, what do you own? The student probably owns very little, and sometimes the parents do not have the assets to make a loan on the up and up, so the Federal Government comes in and guarantees that loan. That will continue, as long as I am in Congress, because that is a very much-needed dynamic in this country.

What will not continue is to lend money blindly, to waste money in the name of compassion, and to take the hard-earned taxpayers' dollars from two-thirds of the children, the kids who graduate high school and go into the work force and never get a student loan. We have some obligation to run the student loan program like a business.

Here are the facts. The Republican budget increased student loan spending from $24 billion to $36 billion over the next 7 years, a 50 percent increase in the amount of money available for student loans. The number of students eligible for a student loan has grown from $6.6 million to $7.1 million over the next year under the Republican plans. We have increased Pell grants to the highest level ever. $2,440 will be available for eligible students to receive a Pell grant, money that you receive that you do not pay back.

My sister, when my parents died, was eligible to get a Pell grant. That program continues and is fully funded. There is more money in the program than in the history of the program. We are looking at the number of people eligible, but trying to ratchet down the income levels, so the money will go to the people who need it the most. You cannot be everything to everybody and balance the budget. That is a bad dynamic to create, even if we were not in debt.

The supplemental education opportunity grants program that helps disadvantaged students is funded at the same level it was last year. The college work-study program is fully funded at $617 million. The Perkins loan program remains at $6 billion, just like the President requested. The Trio program for minorities and disadvantaged students is fully funded at $463 million. That is the Republican budget.

What we did try to do is we tried to look at the student loan program and see if we could improve it and make savings to help balance the budget, because I think we have a moral obligation to look at the way we spend money and to craft programs that help people, but not overly waste money for the two-thirds of the students that never borrow it to go to college to begin with.

We were able to save $10 billion in about 2 days of talking. Unfortunately, most of those savings will never go into effect, but I am going to tell you, in just about 2 minutes, how you can save $10 billion and I believe not hurt a soul, help the taxpayer, and make this student loan program more energetic.

Mr. Speaker, we were going to save $5 billion by doubling the risk that the bank shares in the event of a default. Under the current student loan program, when a bank lends the money the Federal Government guarantees the loan, and if there is a default, the bank gets 98 cents on a dollar. Do you think they spend a whole lot of time chasing that loan down? That is not a good business deal for the American taxpayer.

I want banks to make money. I think banks should be the primary lender of student loans. They should be able to get into the student loan business and make money, but the Federal Government needs to do a better deal than 98 cents on the dollar. Under the Republican reform, we double the risk the banks will accept in the event of a default. They will still be able to make money, but there is less risk for the taxpayer, there is more risk-sharing. That saved $5 billion, and had nothing to do with anybody who is getting a student loan. It had to do with the banks.

Mr. Speaker, we saved $1.2 billion by eliminating a program the President is pushing called direct lending.

□ 2045

The student loan guarantee program where we underwrite loans of the private sector needs to be improved. It is not a good business deal for the taxpayer. It is inefficient. The risk is not shared in a fair amount. We are going to improve that. We are going to double the risk. We are going to stop subsidizing the guaranteed agencies to the extent that they are subsidized now. We are going to do a better business deal for you, the American taxpayer, and still help students.

The President, who is critical of the guaranteed program, wants to go the opposite direction. What he would like to have happen is the Federal Government become the primary lender, become a bank. Can you imagine the Department of Education becoming the third largest consumer bank in America?

The bureaucrats that the gentleman from Florida [Mr. MICA] has described would have a huge loan portfolio available to them. They would replace the private sector. We would go borrow the money, the Federal Government. We are broke, we do not have money, we would have to borrow money. We would let the Department of Education become the lender and the collection agency. It would be a disaster.

It may be easier to get the money, somewhat more efficient, they say. That is not true. We would have a government bureaucracy at the Department of Education with unlimited growth potential. They would be the third largest consumer bank in America, and a bureaucratic Department of Education gets paid whether they collect the loan or not. It is not their money.

The banks are lending their money. They have a reason to go collect the money. They are in a business. The Department of Education are not bankers, they are not in the banking business, and the President wants to replace private sector capital with public borrowed money, replace bankers who are in the business of collecting money for a living with bureaucrats.

That is the worst idea I have ever heard of in this Congress, and it shows us how much he believes in big government. I will never ever vote, I will never ever allow that to happen, to take a private sector program that should and could be improved and replace it with a dominated Federal program where the default rates are going through the roof.

If we think there is a problem now with defaults, let the Federal Government be the lender and the collection agency. They could care less. They want your vote, not your money back, not the money back. That would be a disaster, and it is not going to happen. It is not going to happen if we control this place.

It will happen if the other party takes over, unfortunately, and there are Members of the other party who think this is a bad idea. Please do not allow the Federal Government to become the third largest bank and replace private capital with government

borrowed money. That is a horrible idea.

The Congressional Budget Office has told us if we would get the Federal Government out of the lending business in education, we would save $1.2 billion. That shows us how big a bureaucracy has grown up over a 10 percent share of the market, where direct lending has 10 percent of the student loan business now, there is a $1.2 billion savings if we wiped it out. The President wants to do 100 percent direct lending, but we save $1.2 billion in our budget by wiping it out, $5 billion by doubling the risk of banks.

One thing we did do for students, that under the current program, Mr. MICA, if you graduate from college, we forgive the interest payment of your loan for a 6-month period when you graduate. We have proposed to allow the interest element of your loan to continue to run. You do not have to pay it if you do not have the money, but we are going to let the interest continue to run, not forgive the interest for a 6-month period. That would save $3.5 billion to the American taxpayer. It would mean to the average student a $4 a month increase, but it would save $3.5 billion for this Nation. I could tell you right now if we got to the point where we cannot forgive the interest for a 6-month period and that be devastating to education and a student cannot incur a $4 a month charge, then something is wrong and we are never going to balance the budget. That is not too much to ask. That is an appropriate thing to do to save $3.5 billion for the American taxpayer, and that is part of this package. We save $10 billion and I have just described to you, we increase the interest rates for parents who are not eligible for the guaranteed program to borrow the money at Treasury rates plus a percent, we increase that 0.1 percent, that will result in about half a billion dollars. We save $10 billion for the American taxpayers and the only thing to happen to a student is that they would have to pay $4 a month more because they are going to have to pay their interest for the 6-month period after they get out of college. We are not going to forgive it. To me that was very reasonable and responsible. It helped us balance the budget, and I think it improved the student loan program that needs to be improved.

Those two-thirds of high school students who never go to college, who never go on and receive a student loan, they deserve our time and attention, too. Because they are the ones paying the bill and we can have a quality student loan program. Access to education is a must. I will always vote to ensure that money is available to help needy students and families who cannot go it on their own have money available to go to college. But as long as I am here, we are going to run it more like a business, we are going to ask the private sector to share the risk, we are going to improve the quality of the student loan program, we are going to negotiate a better deal for the taxpayer and we are going to save money in the process, and we are going to ask those students who borrow the money to pay it back. We have reduced the default rate by 50 percent and it has got nothing to do with direct lending. It has got to do with a Congress who has finally gotten tough and tells the school that has a 25 percent default rate, ''You're going to get out of the program.'' There are schools in this program that have 50 and 60 percent default rates. They should not be allowed to participate. We are going to start asking people to pay the money back, we are going to ask schools to get involved and run it more like a business at their level. We are going to renegotiate a relationship between the student loan program and the American taxpayer that will ensure access to education, but we are going to save some money because we are wasting money now and they are not contradictory principles. You can have efficiencies in government and improve the quality of people's lives, and that is the goal of this Congress, in education and every other area. I am proud to have been a part of it. Instead of getting criticized, I think we should be applauded for taking on programs that have not been looked at since 1965.

Mr. MICA. If the gentleman will yield, I think the gentleman makes a very good point and he has detailed this evening, Mr. Speaker, some of the differences in the philosophy between the Republicans and Democrats on this issue. Education is important but it is not just a question of spending more money, it is how we spend that money. This is really the fundamental debate in this entire Congress. It transcends not only education but every other area. I spoke this afternoon on the floor about the EPA and Superfund program. We spend more, we get less. We are spending more in those programs and we are cleaning up fewer and fewer of the sites, and we are not even cleaning up the sites that pose the most risk to human health and safety. We have detailed tonight how just in a few programs, student loans, title I, in Head Start and some of the other programs the disaster that we have come across as new Members of the Congress and found in my 37 or 38 months here and in Mr. GRAHAM's tenure, so each of those areas we have tried to look at how a businessperson, how a parent, how a teacher, how someone interested in education would make changes. Because if you just continue the way we have, you have thrown more money at the problem, you are not really addressing the fundamental changes that need to be made in the programs. Again, whether it is education or environment or other areas, these are the fundamental debates. As a parent, I want a good education. As a parent, I want our children to be able to read their diplomas and to stop the decrease in these scores, and to stop this bureaucratic administration. Again 3,322 Federal Department of Education employees in Washington, DC. Not in the classroom, not out there teaching. But their job is to pass on rules and regulations and that is why we have a big bureaucracy in Atlanta and other regional offices, that is why you have a big bureaucracy in my State capital and in other State capitals. That is why your school boards are required to hire more administration people. That is why Head Start is top heavy with administration. It all starts here. This may be the last opportunity that this Congress has and the American people have a real opportunity to make changes in these programs. And that is the fundamental debate. Do we want to continue to pay more and get less? I think it is time to reverse that trend. I think it is time to improve education, improve the environment, improve the way taxpayer money that again came here yesterday in incredible amounts and is deducted from people's paychecks in incredible amounts. I thank the gentleman for his leadership on this issue.

Mr. GRAHAM. I thank the gentleman from Florida for participating and providing facts that I think show very clearly that the efficiencies in government that we are seeking can be found without looking very deeply. That if you had an opportunity to come up here yourself, the ones listening to me tonight and look at these programs and spend a few minutes analyzing how they are run, you could save $10 billion pretty quickly, also. It is not that hard to do. The hard thing is to convince people that when you are trying to improve the student loan program for the two-thirds of the students who never get in it but pay the taxes for it, that you are not being mean.

When you try to stop Medicare from growing at 2200 percent so you can keep the budget balanced, that you are not being mean, because you can provide quality health care from Medicare to seniors in this country without allowing the program to grow 2200 percent every 15 years. The amount of money and the efficiency do not relate. We are spending more money than we need to. We can deliver a better quality program, a better quality of life and save money in the process. That is not only something we can do, it is something we must do. If you allow us, we will do it.

VOTING RIGHTS ACT OF 1965

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). Under the Speaker's announced policy of May 12, 1995, the gentleman from Louisiana [Mr. FIELDS] is recognized for 60 minutes.

Mr. FIELDS of Louisiana. Mr. Speaker, I rise tonight to talk about the Voting Rights Act of 1965 and all of its amendments thereto.

Yesterday, Mr. Speaker, I had the opportunity to go before a panel and present different legal arguments as relates to redistricting in Louisiana and

perhaps redistricting across the country. Tonight, I would like to take a little time to talk about where we are today and how we got to this point. I am very pleased to be joined by my good friend and colleague from the 12th Congressional District of Illinois, Mr. JACKSON.

Tonight, I want to from a historical perspective talk about the Voting Rights Act, why it was passed and where we are today with it and then try to talk a little bit about the cases that are pending in the Supreme Court and give some sense of logic to what State legislatures should be doing and particularly in the State of Louisiana. Because I think many of these redistricting challenges are not based on constitutional law as much as they are based on financial gain, for lawyers and for plaintiffs, and I plan to talk about that later in this discussion.

But at this time, Mr. Speaker, I would like to yield to the gentleman from Illinois as much time as he may consume.

Mr. JACKSON of Illinois. Let me take this opportunity to congratulate the distinguished gentleman from Louisiana [Mr. FIELDS] for the vigilance that he has shown and the people of the Fourth Congressional District of Louisiana as they have fought to uphold the law of the 1965 Voting Rights Act which has in part and in no small measure created the kind of diversity in the Federal Government, the kind of diversity in State government, the kind of diversity in political legislative bodies all across our country. There has never been since Plessy versus Ferguson was decided in 1897 which ran 22 African-Americans out of this distinguished body and ran African-Americans and other minorities out of State legislatures around this country the kind of representation that African-Americans, Latinos, women, and other minorities in this country presently have come to appreciate.

☐ 2100

I want to offer certainly a level of congratulations again to the gentleman from Louisiana for those State legislators who are presently in Louisiana filibustering the attempt by that State legislature to undermine the Fourth Congressional District of Louisiana. I want to offer this evening an historical perspective and then hear from the gentleman from Louisiana and then engage the gentleman in a colloquy about the sustenance of the Voting Rights Act of 1968.

In June 1993, the Supreme Court handed down a decision that threatened to return this country to the days of separate but equal. The decision in voting rights mocked the reality of persistent racial inequality in America in the name of a color-blind society. Using the Constitution's guarantee of equality, the Court has given the green light to willful racial exclusion in the political process.

In the past, damaging interpretations of civil rights laws could be minimized by congressional amendments to clarify the law. The Court's ruling in these voting rights cases calls into question our ability to seek redress in this, the body of the people. In Shaw versus Reno, after the creation of majority African-American congressional districts in North Carolina, blacks elected the first African-American to Congress since Reconstruction. Even with two majority African-American districts, white voters who make up 76 percent of that State's population, continued to control more than their share, 83 percent, of North Carolina congressional seats. Yet the Court suggested that one majority black district, because it was irregular in shape, was nothing more than an effort to segregate the races, and I quote, for the purposes of voting.

It said that such a district would, quote unquote, threaten to carry us further from the goal of a political system in which race no longer matters. The Court is, in fact, saying that racial injustice no longer exists. In reality, we live in a political system that is so racially divided that race matters more than any one factor in a voter's choice of candidates in American. Political encumbents whose main goal in redistricting is to insure their own reelection, they know this. And when they draw the district lines, computer technology can tell them the racial composition of every census block. Indeed, many majority white districts are drawn to exclude African-Americans and preserve white constituencies in the last reapportionment, they look as unusual as the black districts singled out by the Supreme Court. In many cases, compact minority districts are hard to draw because African-Americans and Hispanics are concentrated in isolated communities.

The census blocks in these communities were defined long ago by legalized residential segregation. This was the target of Dr. King's last civil rights march in 1966.

Creating majority black districts does not harm white voters. Indeed, there is no State in the country in which whites are underrepresented in State legislatures or in this body, the 104th Congress. Even with enforcement of the Voting Rights Act, African-Americans and other minorities continue to be barred from their fair share of political power nationwide. Given the racial division among voters and the bitter history of African-American electoral exclusion, African-American districts provide the most widely accepted means of allowing black voters full participation, a bear minimum for citizenship in this democracy. Concern with the shape of a district should obviously pale in comparison.

When Shaw versus Reno was decided, too many in the voting rights community initially sought to characterize it as a narrow decision which, while potentially damaging, it was not a fundamental attack on the constitutionality of the Voting Rights Act of 1965. I was very concerned about this opinion because I viewed it as a signal that it would encourage those opposed to the Voting Rights Act to challenge it everywhere. This is exactly what has happened since the Shaw decision.

Mr. Speaker, voting rights and the law protecting these rights were one of the few areas to remain largely intact following the Reagan and Bush onslaught. In voting rights cases, they must first prove intentional discrimination on the part of the State to succeed in a Voting Rights Act case. Congress disagreed with the City of Mobile versus Bolden and they disagreed with the Supreme Court's interpretation and ruling in the Bolden case, and in 1982, they amended the Voting Rights Act to specifically overrule that decision. In fact, Congress strengthened the Voting Rights Act on a bipartisan basis to make it plain that discrimination against minority voters continued to persist and that an important test was not intent, which is often difficult to prove, but instead was the effect on minority voters. In 1986, the Supreme Court upheld the constitutionality of the 1982 amendments in Thornburg versus Gingles, and it was against this background that the State legislatures determined the Constitution required that majority-minority districts be drawn to avoid violating the law.

The Shaw decision resurrected the intent question by turning the Voting Rights Act on its head in order to recognize the right of white plaintiffs, who do not even live in these congressional districts, to challenge districts that were intended in the first place to lead to greater minority representation in this body, in the Louisiana State Legislature and the North Carolina Legislature, in State legislatures around this country. The objective of the Voting Rights Act was to desegregate the institutions of power that heretofore historically had been denied to African-Americans, women, and to other minorities.

Most recently, in the Fifth Circuit decision in Hays versus Louisiana, they sought to apply Shaw to answer a totally different question: Is there a compelling State interest in designating a congressional district using race as one of many criteria so that racial minorities have an equal opportunity of winning? The court in Hays concluded that the Louisiana plan, the seat of the gentleman from Louisiana [Mr. FIELDS] was not narrowly tailored to further a compelling State interest.

Hayes was obviously troubling for a number of reasons. To recognize the standing of white citizens to attack majority-minority districts, the court cited regents of the University of California versus Bakke in 1978, in addition to Shaw and Croson. Thus, the fact of a color-blind Constitution and country was elevated by the case in Louisiana, Hays versus Louisiana, to strike down the Louisiana plan. The Hays court relied on a 1964 decision, Wright versus Rockefeller, a case that was decided before the Voting Rights Act of 1964, to

define a racially gerrymandered districting plan as one that, quote unquote, intentionally draws one or more districts along racial lines or otherwise segregates citizens into voting districts based on their race.

The court also cited Bolden in support of this point. The Hays court seems to have ignored the fact that the 1982 amendments by this Congress overturned Bolden. The only citation the court makes of those amendments is to assert that section 2 expressly declares that proportional representation is not required.

On Thursday, June 30, 1994, exactly 1 year to the day after the Shaw versus Reno decision undermined a North Carolina redistricting plan designed to give African-Americans greater representation after Reconstruction, the Court struck again. In two separate opinions, a Florida case, Johnson versus DeGrande, and a Georgia case Holder versus Hall, the Court sought to limit a broad interpretation of section 2 of the Voting Rights Act. Section 2 outlaws all forms of voter discrimination.

Congress intended a broad interpretation so as to be able to address the various and subtle forms of voter denial, but the Court appears increasingly unwilling to use an interpretation that expands the notion of democracy for all Americans. As a New York Times editorial said, the Court was driven by a core of justices who evince no respect for Congress whatsoever. Justice Clarence Thomas and Mr. Antonin Scalia are leading the challenge against the Voting Rights Act.

And so today, there are legislators in Louisiana who are engaged in a filibuster so that the Fourth Congressional District of Louisiana will remain intact.

I brought, today, a map to show the changes that the Fourth Congressional District of Louisiana has gone through in the last year. In the Louisiana case, the Court said racial gerrymandering was unconstitutional. In a State 30-percent black, only two Congresspersons have been elected since Reconstruction. The first Louisiana plan, 65 percent black, 35 percent white. The second Louisiana plan after this plan was thrown out created a new congressional district, 55 percent black, 45 percent white. And now the State legislature in Louisiana is presently filibustering to keep the third plan from becoming a matter of law, thus moving this district 70 percent white to 30 percent black.

So a district that is almost 50 percent black and 50 percent white has been declared unconstitutional, but now we have a district that the court, Reagan-appointed judges and Nixon-appointed judges in Louisiana are now saying that a district 70 percent white but with 30 percent minorities is constitutional.

I would like to yield back the balance of my time to the gentleman from Louisiana.

Mr. FIELDS of Louisiana. Mr. Speaker, I thank the gentleman for yielding, and I thank the gentleman for sharing this special order with me.

I want to also talk a little bit about some of the history, not only in Louisiana but all across this country, as relates to the Voting Rights Act. As the gentleman knows, the Voting Rights Act was actually instituted by this institution simply because of the denial of due process in the voting arena. Individuals of color, as a matter of fact women as well, could not participate in the electoral process simply because they were women and simply because they were Hispanic, simply because they were black or African-Americans and, therefore, this esteemed body thought enough of this country to pass something called a Voting Rights Act.

Did the gentleman know that there were individuals who would try to register to vote, but simply because they were African-Americans, they were not able to vote? And after it was illegal to deny a person the opportunity to vote, State legislatures passed statutes that had prohibitions in terms that made the registration process more complicated. For example, I can recall talking to one of my professors at Southern University that mentioned the fact that in order to register to vote in Louisiana, you had to state the Preamble to the Constitution. That was one thing that eliminated several voters, several potential voters from the voting rolls, not only in Louisiana but all across the country, particularly in the southern part of our country.

Individuals had to state how many bubbles were in a bar of soap. Asinine questions like that were presented to individuals before they were able to gain access to the voting rolls. And then this Congress, this esteemed body, decided that was enough of discrimination, that was enough denial of due process and voting opportunities in this country and they passed the Voting Rights Act.

That is what this whole discussion is about tonight. I want to talk about Louisiana from a historical perspective as related to this Congress. The State of Louisiana, we have sent over 184 individuals to this body. One hundred eighty-four individuals from Louisiana have had the opportunity to serve in this esteemed body. Of the 184, only 3 of those individuals have been African-Americans, in spite of the fact that Louisiana has always had a substantial minority population. I mean even today, Louisiana's minority population is over 31 percent. Sending 184 people to sit in this Congress, the people's House, the House of Representatives, and not having but three of those individuals come from that State of African-American descent. And then to have one of the districts that are presently under attack, presently drawn to give an African-American an opportunity is absolutely, absolutely unconscionable.

In 1812, Louisiana was admitted to the Union. Louisiana was admitted as a State in 1812 to be a part of this great Union. Louisiana went from 1812 to 1875 before it elected its first African-American to Congress. So Louisiana went 63 years. From the time it was admitted to the Union to 1875, 63 years without sending one African-American to Congress. And the first African-American to ever serve in this body was Charles Nash, who was elected in 1875 and served only one term. He served from 1875 to 1877, and the reason why he was not reelected, it wasn't because he did not want to come back to Congress and to serve his constituency in the State of Louisiana and to do a good job and to represent not only the people in his district but people in his State. It was because the State legislature in Louisiana decided to pass laws to prohibit many of his constituencies the opportunity to vote, to register to vote.

They passed laws like literacy tests. They passed a poll tax. They not only disenfranchised blacks, but they disenfranchised whites, as well. Anyone who was poor in the State, as it was in many States across the southern part of our country, could not gain access to the ballot box because they did not own property. So Charles Nash, despite the fact that he wanted to return to Congress, could not return to Congress because many of the people who voted for him could not vote for him any longer. So Louisiana went from 1877 to 1990 without electing one African-American to Congress. That is 113 years. 113 years the State of Louisiana did not have one African-American, despite the fact that Louisiana had over 30 percent African-American population.

□ 2115

Why? Because districts were gerrymandering to exclude minority votes and not include minority voters. And as a result of that, they never had the mere opportunity, not a guarantee but just a mere opportunity, to run in a district where they could run and win.

So Louisiana's African-Americans, went a total of 176 years without having one single voice here in this Congress from that esteemed State. Now, today, the big debate in the State legislature is whether or not we continue to have a Fourth Congressional District.

I am going to at this time yield to the gentleman, because I know he is on a tight time schedule and will be joining me later in the special order for a few minutes to further talk about some of—I see he has a map display, so I will yield to the gentleman.

Mr. JACKSON of Illinois. I want to thank the gentleman for yielding. I do want to apologize, because I am going to step away for a few moments.

I wanted to show you a map of congressional districts around the country, particularly southern congressional districts that are now being challenged as a result of the decisions that are coming out of Louisiana, that are coming out of North Carolina, and

that are certainly coming out of Florida.

It is really interesting to note, when we look at the district formerly held by Barbara Jordan, Mickey Leland, and presently held by SHEILA JACKSON-LEE, and the districts held by Representative FIELDS, and by Mrs. MEEK and ALCEE HASTINGS in Florida, when we look at the district of CYNTHIA MCKINNEY, we note that these districts were drawn to desegregate the institution of Congress, to give African-Americans in a State where they have significant populations, like the State of Louisiana, an equal opportunity of winning.

If there is any one thing that can be said about the present attacks on the Voting Rights Act, it is that the Voting Rights Act of 1965 has been effective. It has indeed worked. The reality is between 1863, after the slaves had been freed, between 1863 and 1896, 22 African-Americans were elected to serve in this Congress, and because, quite frankly, in a bipartisan way many Democrats and many Republicans during first Reconstruction sought to conspire to undermine the progress that many African-Americans had made in first Reconstruction. That was the Tilden-Hayes Compromise of 1877.

By 1896 they had stacked the Court, a conservative Court. They gave us Plessy versus Ferguson. And by 1901, even through we had 22 African-Americans in Congress, a gentleman stood right here on this floor and said, ''We will be back.'' By 1901 there were zero blacks in Congress.

It was not until the 1954 Brown versus The Board of Education decision establishing the principle of equal protection under the law was decided by the Supreme Court that the Voting Rights Act then took the impetus from the Supreme Court, along with the Civil Rights Act and a whole host of other legislation that sought to apply the principle of equal protection under the law to every facet of American life.

Therein lies the foundation of the Voting Rights Act of 1965: lines drawn in such a way as to create an equal opportunity for African-Americans, for Latinos, and for others to serve not only in this body but in State legislatures around the country.

Let me just at this point say that even with the enforcement of the Voting Rights Act, African-Americans and other minorities continued to be barred from a fair share of political power nationwide. For example, there are now slightly over 7,500 African-American elected officials, but African-Americans are about 12 to 13 percent of the population and there are nearly 500,000 offices.

Thus, 12 percent of 500,000 is roughly 60,000 political offices that should be rightfully held by African-Americans. Seven thousand five hundred is a mere 1.5 percent of the offices that should be held by African-Americans if elected on a fair basis, if they did not have to go through annexations and gerrymandering and constant political games, if you will, that are played by many State legislatures around this country.

Mr. FIELDS of Louisiana. Would the gentleman yield on that point?

Mr. JACKSON of Illinois. I certainly would.

Mr. FIELDS of Louisiana. The gentleman mentioned diversity, and mentioned how the whole purpose of the Voting Rights Act or one of the purposes of the Voting Rights Act was to integrate the political system, such as the U.S. Congress and State legislatures across the country. The gentleman is absolutely right.

Even today there are 535 Members that serve in the U.S. Congress, as you know, there are 435 that serve in this esteemed body and then 100 across the hall in the other distinguished body. And of the 535 Members, only 40 of them are African-Americans. So for anyone to even opine the thought that a person's rights have been violated simply because there are 40 African-Americans in the U.S. Congress, in a body that consists of 535 people, is absolutely wrong.

Mr. JACKSON of Illinois. If the gentleman would yield for a moment, there is also an assumption that African-Americans are incapable of representing people beyond just African-Americans. My district, for example, is about 65 percent African-American, about 30 percent white, 5 percent Jewish, and others. So I am capable, as a Member of Congress, of representing a diverse district, as you are capable of representing a diverse district. All the shape of these districts do is allow us an equal opportunity of competing.

When Democrats in the State legislatures or Republicans in the State legislatures get finished drawing lines in the State to accomplish their political wills, African-Americans are never even considered, Latinos are never even considered. The Voting Rights Act of 1965 mandates that these State legislatures take into account race as a factor, not the factor in drawing congressional districts.

We have some Members of this Congress whose districts are drawn in such a way to be economically gerrymandered. That is, they only represent large industries and big businesses. You have others whose districts are drawn representing primarily farmland. Well, our districts primarily are inner city and they must take into account the needs of the inner city, which more than likely are represented by African-Americans.

Mr. FIELDS of Louisiana. If the gentleman would yield, because the gentleman is correct about diversity, and continuing on the point about diversity, because many of the individuals, particularly the press, they declare districts, the district that you represent and the district that I represent and the district that many African-Americans in the Congress represent, they declare them as, quote-unquote, black districts, when in fact these are the most diverse districts in the entire country.

These districts are not superminority districts, these districts are very diverse districts. The district I represent and the district you represent is not overwhelmingly—I mean not 70, 80, and 90 percent African-American. They are very diverse. The district I represent is 55 percent black, 45 percent white. So how can one say the creation of these districts segregates voters? As a matter of fact, these districts desegregate voters and integrate voters. It brings voters together.

To say a district that is 98 percent majority is constitutional and is integrated, and a district that is 55 percent minority and 45 percent majority is unconstitutional and segregated, defies all logic. That is one of the reasons why State legislatures ought to leave this decision to the courts.

I think the courts are still tussling with the idea of how to deal with redistricting. Let us go back to Shaw versus Reno. In Shaw versus Reno the Court went to great pains not to say that the creation of a majority-minority district is unconstitutional in and of itself. Sandra Day O'Connor used, I think in the dictum of the opinion, it is an appearance of racial apartheid.

But they never said the creation of the district in North Carolina, the 12th Congressional District which is represented by our colleague, Mr. WATT, was unconstitutional. They simply said that if a district is drawn, if a district looks so bizarre as to suggest that race was the predominant factor in the creation of that district, it does not mean it is unconstitutional, it simply means the State must show a compelling stated reason why they draw it. And, second, that plan must be narrowly tailored.

As soon as Shaw versus Reno was ruled on by the Supreme Court, plaintiffs all across the southern part of the country rushed to their courthouses and filed lawsuits, and started saying that if a district is majority black or majority Hispanic it is unconstitutional. That is not the declaration of the Court.

Then the Court came back in Johnson versus Miller, when they ruled the district in Georgia was unconstitutional. They did not say it was unconstitutional because it was majority black, they said it was unconstitutional because race was the predominant factor as they saw it, and the plan was not narrowly tailored.

Now, one of the problems that we have, one of the legal problems that we have in this whole discussion is if plaintiffs are allowed to file lawsuits in courts because they are of the minority, then that opens up the floodgates of litigation that every citizen in this State will have standing in the courts to file lawsuits, even tonight, if they feel that their district was created based on race. Just the thought.

For example, in the State of Louisiana, the three judges in Louisiana did

not even discover an injury, but they gave plaintiffs standing to file a suit, and a suit went all the way to the Supreme Court. Later they found that those plaintiffs did not even have standing. The basic requirement to even get into court. The threshold requirement.

Everybody is rushing to judgment on these cases, and the Supreme Court has yet to really deal with this issue in a definitive way.

You talked about diversity and Members representing all their constituency. I am proud of the fact that I represent the most diverse district in the State of Louisiana. I take great pride in that. My district is almost a 50–50 district.

When I view my constituents, I do not view them as black constituents or white constituents or Hispanic constituents or Jewish constituents. I view them as constituents. When they have a problem, they have a problem and they need the assistance of their Congressman and his congressional office. That burden that the press and other people try to put on Members, not only African-Americans but Hispanic——

Mr. JACKSON of Illinois. Would the gentleman yield for a question?

Mr. FIELDS of Louisiana. I would be glad to yield.

Mr. JACKSON of Illinois. Why is it that your district in Louisiana, why is it you feel your district has been singled out above all other districts in that State?

Mr. FIELDS of Louisiana. I can state several reasons why I feel that the district has been singled out, one being the fact that it is a majority-minority district. In Shaw versus Reno the Court, when it ruled, it gave an invitation to plaintiffs all across or people all across this country, that if you live in a majority-minority district and you do not like the appearance of it, then you have the right to file a lawsuit and you have a right to be heard. So I think plaintiffs, as a result of Shaw versus Reno, filed this lawsuit, and simply because it was a majority-minority district.

Now, these plaintiffs, you have a picture of a map of the Louisiana district, and the gentleman had another map earlier that showed the second phase of the Louisiana district. As you can see, Louisiana is the only State in the Nation that has changed its congressional district twice within 2 years. First they started with the Zorro plan, and a lot of people considered that the Zorro plan because the minority district was shaped by a Z.

I put evidence in the record in the Louisiana State Senate only yesterday to show that the Zorro plan was not created in the 1990's. The Zorro plan, in fact, was created in the 1970's, but it was not a majority-minority district. It was a majority-minority district and it was not called Zorro then, it was called a congressional district, and it was about 80 percent majority. But because it is majority-minority, now it is Zorro. It looks bad.

The Louisiana legislature, and I give great credit to the Louisiana legislature, these men and women, after the Court ruled on Zorro, went back to the drawing board and redrew the lines. They wanted to comply. They went to great pains, they wanted to comply with the three judges in Shreveport, LA, and they drew the Second District, which is just like former and previous districts in Louisiana.

They did not want to deviate from redistricting principles in the State, so they drew from the old eighth Congressional District because the Court said this district is 66 percent minority, it ought to be 55. they made it 55, and the Court still ruled that it was unconstitutional.

Mr. JACKSON of Illinois. Would the gentleman yield?

Mr. FIELDS of Louisiana. Certainly.

Mr. JACKSON of Illinois. For another question. The gentleman had a distinguished career serving in the Louisiana State legislature before becoming a Member of this august and esteemed body. I would like to ask the gentleman if he could articulate some of the considerations as a State legislator that you confronted when you came into the census and the reapportionment period in your State legislature.

It clearly was not just racial considerations. There clearly were other considerations. Could the gentleman lay out some of those?

Mr. FIELDS of Louisiana. Absolutely. And for anyone to even think that a redistricting plan, and I do not care if it is congressional, I do not care if it is legislative or even a city council's plan or a school board plan, to think that politics does not play a role, a significant role in the drawing of these plans, is someone who is off base.

You certainly cannot take the politics out of politics. When these plans were drawn in Louisiana, they were drawn based on incumbency protection, first; second, they were drawn based on the fact that Louisiana moved from eight congressional districts to seven. So, of course, districts were going to increase in size and not decrease in size. That is just a logical thing for them to do.

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They were also drawn based on commonality of interest. What people in north Louisiana have in common with people in south Louisiana, we have always had districts that connected urban and rural communities together. If we do not do that, we will not be able to live up to the deviation of zero deviation or one man-one vote requirement by the Constitution of the United States of America.

We are required by the Constitution to have proportioned districts. Legislatures have to apportion districts based on the number of people in each, and each district must have as close to an equal amount of people in one as it does in the other in order to pass the deviation requirement.

I was talking about Shaw versus Reno, Mr. Speaker. Shaw versus Reno did not rule that districts were unconstitutional if they were majority minority. Plaintiffs all across the country decided to file lawsuits. Going back to the State of Louisiana, because I have tried to deal with the question of how is a voter injured in my district, because I walk into this body and to these halls and to this august building every day and try to do my very best. I go home every week and I try to represent my constituents to the best of my ability. I try to have a staff that is zealous and caring and concerned.

I have held more town hall meetings than any other Member of Congress from my State and perhaps in this whole Congress. So I have tried to go beyond the call of duty not to give any constituent rhyme or reason to say that I have not represented my constituents to the best of my abilities.

When the lawyers started to take depositions, the deposition of these plaintiffs who said, I have been injured because I live in Congressman FIELDS district or the district that he represents, we took the deposition. Let me tell my colleagues about these injuries: How do you feel about Congressman FIELDS? Well, he is a great guy. He works hard. I like him personally. But he is liberal.

That is injury No. 1. Plaintiff No. 2, under oath, what is your injury? Well, he is a Democrat and I am a Republican. So I am injured.

The plaintiff No. 3, what is your injury? This is under oath, in the record, I ran for Congress and I was defeated. So I am injured.

Not one person who filed a lawsuit against the constitutionality or against this district has been able to allege any real significant injury or any injury at all.

Mr. Speaker, I started toying with this whole notion of what is wrong with the district, what is wrong with me as a Representative. I first dealt with the district thing and I said, listen, Louisiana has been creating districts, extended over 200 miles since we have had congressional districts. So you cannot say because the district is over 200 miles you are injured because four other districts in the State extend over 200 miles. So that is not an injury. And you cannot allege that. Well, it is irregularly shaped. Well, Louisiana has always had irregularly shaped districts. For crying out loud, look at the State of Louisiana, it is not a perfect square or a perfect box, it is a boot. So you tell me how in the world you are going to have seven perfect squares or circles in the State of Louisiana when the State itself is shaped like a boot.

I mean most States do not look like squares and boxes. They look like animal cookies. So there is no injury there. Then when we finally got this case to the Supreme Court, I was as excited as anybody else because I, for

one, want to put this issue of redistricting behind me once and for all.

Now, right now in the Louisiana, the Fourth Congressional District is in the Supreme Court and the plaintiffs insist to the Governor of their State that he put redistricting in the court, when there are very important issues in the State of Louisiana that must be dealt with, issues like education, issues like deficit reduction, real issues that must be dealt with for the survival and the future of our children in the State of Louisiana.

And I wondered, why would they put redistricting on the calendar when redistricting right now, the lawsuit is in the Supreme Court, which will ultimately make the decision anyway. And then I started to do my research, Mr. Speaker.

I found out that it really was not about injury, that it was not about it and is not about a plaintiff really being hurt. This whole issue is about money. It is about how plaintiffs receive damages, how they receive money.

This is beginning to be a trend. It really bothers me that people would have the audacity to file lawsuits not only in Louisiana but across this country for financial gain. The Hays versus Louisiana case, Hays being the main plaintiff who filed the lawsuit, prevailed in the lower court, went to the Supreme Court, lost. Back to the three judge panel in Shreveport, now is before the Supreme Court again. And I often wondered why Hays is still a plaintiff because Hays has been ruled by the Supreme Court that he does not even have standing. He just does not have justiciability.

Mr. Speaker, then I pulled the records from the court. I found that Hays' attorney, the plaintiff's attorney, decided to withdraw from the case. Mr. Speaker, why did he withdraw from the case? It was because he did not want to deal with this constitutional issue anymore. It was not because he did not want to see the case through to the final appeal. It was because these plaintiffs, according to this affidavit that was filed in the Federal court, wanted money.

I thought these plaintiffs had a problem with the constitutionality of the district and they were injured because their rights were violated. I wanted to share with the Speaker and Members of the House this affidavit that is public record, has been filed in the Western District of Louisiana. This affidavit, I will not go through the entire affidavit, but I would like to talk about two sections of it, sections 2 and 3.

Section 2, the counsel said, these are his words, counsel withdrew from further representation of the plaintiffs in this matter because of the demands made by plaintiffs Ray Hays and Gary Stokley that the fee application in this matter to be submitted under 42 USC 1988 include fictitious paralegal fees, fictitious activities allegedly performed by the plaintiffs Ray Hays and Gary Stokley and that counsel split. For crying out loud, I really thought the plaintiffs thought they were injured. I thought this was a constitutional question, that the counsel split with the plaintiffs Ray Hays and Gary Stokley all attorney fees awarded to counsel in this litigation and the redistricting litigation in Texas.

Mr. Speaker, how in the world can a plaintiff, a nonlawyer, who has alleged to the court and to the United States of America that he is injured because he is in a majority minority district, the most diverse district in his State, and he is injured because it was created based on race? Now say to his lawyer, I want half of the legal fees.

Why it is that the Louisiana legislature would push so hard, some Members, one of the Members, Mr. Speaker, one of the authors of the bill to change the district and moot the old redistricting plan is one of the lawyers in the lawsuit. Want to talk about ethics? Want to talk about injury and what is really going on in Louisiana? I suspect that that is not only taking place in Louisiana but it is probably taking place in other parts of the country.

Let us go to section 3. These are the lawyer's words who withdrew from the Hays case. These unreasonable demands were initially made by the plaintiffs shortly after the court's order on December 28, 1993, setting aside the original congressional district in Louisiana. These demands are confirmed by letters from plaintiffs Ray Hays and Gary Stokley and a written refusal by counsel to agree to such demand.

Plaintiffs who are pushing right now in the Louisiana legislature that this plan be adopted so that they can benefit from anywhere from $4.2 million in legal fees.

The last point of this affidavit I want to point to, Mr. Speaker, is section 7. The motion by the plaintiffs requesting that the court delay the determination owed in professional services. Under that they cite the law firm Kirkland & Ellis. Mr. Speaker, last time I checked, that law firm is the same law firm that is associated with Kenneth Starr, the independent counsel for the Whitewater investigation. Kenneth Starr's law firm, according to this affidavit that I will put in the RECORD, are the lawyers of record for these plaintiffs in Louisiana.

Mr. Speaker, I will be quite honest with my colleagues and then I will yield my time. I do not have a problem with the Supreme Court of the United States of America deciding the constitutionality of the 4th Congressional District or any congressional district in this country because as lawmakers we make the law and, as the court, they interpret the law. And we have to live with the laws we make and we have to live with their interpretation.

Until we change the law, we have to live with the interpretation of the Supreme Court because that is their role. But I am not going to sit and/or stand idly by and let just a few selfish plaintiffs and a few greedy lawyers railroads a plan through the Louisiana Legislature and subject my State to over $4 million in legal fees for personal gain. This is not a decision of the legislature. This is not a decision of a three judge panel. This decision, Mr. Speaker, is a decision of the Supreme Court of the United States of America.

I want to thank the Speaker for allowing us to share in this special order. I want to thank him for his time.

Mr. Speaker, I include for the RECORD the following information:

EXHIBIT ''C''

AFFIDAVIT

(By Paul Loy Hurd)

BE IT KNOWN that on the 1st day of May, 1995, before the undersigned witnesses, and Notary Public duly authorized in the Parish of Ouachita, State of Louisiana, personally came and appeared PAUL LOY HURD, a person of full age of majority, domiciled in the Parish of Ouachita, State of Louisiana, Hereinafter referred to as ''Counsel'', who after being duly sworn did depose and state that:

1. Counsel was originally the lead counsel for the Plaintiffs in this matter from its initial filing until December 1994, when this Honorable Court granted Counsel's motion to withdraw.

2. Counsel withdrew from further representation of the Plaintiffs in this matter because of the demands by Plaintiffs, Ray Hays and Gary Stokley (i) that the fee application in this matter to be submitted under 42 U.S.C. 1988 include fictitious ''paralegal'' activities allegedly performed by the Plaintiffs, Ray Hays and Gary Stokley, and (ii) that Counsel split with the Plaintiffs, Ray Hays and Gary Stokley, all attorney fees awarded to Counsel in this litigation and the districting litigation in Texas.

3. These unreasonable demands were initially made by the Plaintiffs shortly following the Court's order of December 28, 1993 setting aside the original congressional districts in Louisiana. These demands are confirmed by letters from Plaintiffs, Ray Hays and Gary Stokley, and the written refusal by Counsel to agree to any such demand.

4. The attorneys presently representing the Plaintiffs were fully appraised of the unreasonable demands being made by Plaintiffs, including both the demanded fee splitting and the submittal of unperformed ''paralegal'' activities.

5. This dispute culminated in the Plaintiffs offering to allow Counsel to argue the appeal in the United States Supreme Court if he would agree to the financial demands of the Plaintiffs. Counsel refused these demands again, and was removed as lead counsel in the fall of 1994.

6. The Plaintiffs are fully aware that Counsel's personal financial condition has been greatly taxed by the failure of the Plaintiffs to reimburse Counsel for out of pocket expenses as previously agreed, and by the continuing delay in the payment of the attorney fees owed in this matter. With this full knowledge, the Plaintiffs, Ray Hays and Gary Stokley, have asserted their intention to take all possible steps to deny to Counsel any compensation in this matter, and to delay as long as possible the receipt by Counsel of any compensation to be received in this matter.

7. The Motion by the Plaintiffs (i) requesting that this Court further delay its determination of the fee owed for the professional services rendered by Counsel, and (ii) requesting that Counsel not be allowed to defend his application before this Court, and (iii) requesting that all fees paid by the Defendants be paid to Kirkland & Ellis to be

dispersed at the sole direction of the Plaintiffs, is filed by the Plaintiffs to effectuate the threats previously made against Counsel.

THUS DONE AND PASSED on this the 1st day of May, 1995 before the aforesaid witnesses and Notary Public.

LEGAL FEES QUESTIONED IN REMAP CASE

(By Brad Cooper)

BATON ROUGE—Two Lincoln Parish residents who challenged Louisiana's congressional districts demanded their former attorney ask a judge to award fees for fictitious legal work, court documents allege.

That's the allegation Monroe attorneys Paul Hurd levies against Ray Hays and Gary Stokley of Ruston in an affidavit filed in federal court in Shreveport.

Hurd represented Stokley, Hays and two others until December 1994 in the constitutional challenge to Louisiana's congressional districts.

A three-judge federal panel threw out the districts because they were rigged to ensure election of a minority candidate.

Stokley and Hays denied Hurd's charge, saying they are not trying to make a profit from their lawsuit. Stokley called the charges ''upsetting'' and destructive to his reputation.

The state could be responsible for paying the legal fees in the case—possibly more than $4 million by some estimates—if the Legislature approves a new set of congressional boundaries that eliminates a second district with a majority of black voters.

A bill that would do that is a step away from final approval. A Senate committee signed off on a new set of congressional districts Monday and sent them to the full Senate to consider.

The affidavit surfaced at the committee meeting.

''It's all about money,'' said state Sen. Dennis Bagneris, New Orleans. ''According to the affidavit, there has been no motivation based on . . . who is fairly represented. It's all about the bucks.''

Hurd, who is seeking about $728,000 for his work, states in his affidavit that Hays and Stokley wanted him to apply to the court for fees to cover ''fictitious'' paralegal expenses.

He also accuses Hays and Stokley of wanting a slice of the legal fees from the case as well as part of the legal fees from his lawsuit agianst Texas' congressional districts, which were thrown out by a lower court becuse they were racially gerrymandered.

Hurd, who declined comment on Monday, withdrew as counsel after the four Lincoln Parish plaintiffs enlisted the help of a high-powered Washington, D.C., law firm.

The plaintiffs said they hired the firm because it was more experienced in dealing with constitutional issues. Hays said Hurd's accusations are retaliation for the plaintiffs' decision to bring another firm to argue the case before the Supreme Court.

''His feelings are hurt and he got mad,'' Hays said. ''He is angry and popped all that stuff out.''

Filing a false claim with the federal courts could possibly lead to perjury charges if it is verified under oath. Or the applicant could be forced to serve jail time for criminal contempt of court, court officials said.

The judge also could levy a fine if the application is found to be fraudulent, court officials said.

Hays and Stokley were confounded by the allegations. They said Hurd deserves to be paid for the work he did.

''We didn't ask as plaintiffs for any awards, damages or anything like that. This has not been about money,'' said Stokley, a sociology professor at Louisiana Tech University.

''Money has never been an issue with me. If it was I wouldn't have been a teacher,'' Stokley said.

ITEMS IN THE CONTRACT WITH AMERICA

The SPEAKER pro tempore (Mr. COLLINS of Georgia).

Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I want to take this time to speak with my colleagues about the items in the Contract with America and other items that have received legislative approval in this House for which I think there can be bipartisan pride. Many items have come forward to this House and have received almost unanimous Republican support and overwhelming support from the Democratic side of the aisle as well. I think they are worth repeating tonight so that people could put a perspective in this House where we have gone and how far we need to go.

Mr. Speaker, the first item I want to mention would be that we have passed the congressional accountability law. That is a law introduced by Congressman CHRIS SHAYS to make sure that the laws that we in fact have passed that affect everyone else, I am speaking of civil rights laws, the Fair Labor Standards law, OSHA, prior Congresses, bills were passed and Congress, congressional employees were in fact exempt from the benefits of those laws.

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Mr. KINGSTON. Before yielding to the gentleman from Arizona [Mr. HAYWORTH], I want to make one final point. None of that money was raised in your district. It all came out of Washington, DC from special interest groups.

Mr. HAYWORTH. I thank my friends for yielding, and lest, Mr. Speaker, those viewing on television and in the gallery would misunderstand what we are saying, we do not have any problem with good, honest debate in the American political system. We do not have any problem with honest differences of opinion. But it is more than ironic, indeed I daresay it is hypocritical of those on the left who would repeatedly use the lexicon of special interests and big money and power and extremism applying to members of the new majority and yet as my colleague from California has outlined, actually take money from outside States and congressional districts, take Washington money and pour it into a certain district.

There is one other further distinction. Because, Mr. Speaker, the people of the United States who have come to view this endeavor quite cynically might honestly ask, well, what is the difference? There is a major difference. When union bosses take union dues and without the permission of union members take those compulsory dues and donate them directly to the Democrat National Committee, and indeed even as we have derided the increase in taxes, even as we have pointed out the Arkansas shuffle from a campaigner-in-chief who spoke of balancing the budget in 5 years only to renege on that promise, from a campaigner-in-chief who spoke of tax breaks for the middle class, only to renege on that promise, from a campaigner-in-chief who talked about ending welfare as we know it, only to renege on that promise, veto those measures in all three instances, now again comes another irony of saying one thing and doing another. The Beck decision, a mechanism my good friend from Pennsylvania, well versed in the law, is aware of, effectively said to end that practice of compulsory, nonvoluntary donations. And yet this President and his Justice Department refuse to enforce that decision.

So, Mr. Speaker, I do not blame the American people for their cynicism, but I believe a little background is in order. For the difference is if people can freely give to candidates of their choice, then so be it. But it should be a donation freely made. Not in the realm of compulsory action.

Mr. KINGSTON. Let me ask the gentleman about this Beck decision. Are you telling me that a paper mill worker in my district who is prolife, antigun control, and anti-NAFTA has his money, his dues going to, say, President Clinton's reelection campaign, and he does not have a say-so in it, the union employee does not know his money is being used for those causes, even though they may be things that he does not stand for?

Mr. HAYWORTH. If the gentleman will yield further, that is exactly what I am saying. Or the experience I had on one occasion, flying here and some of the folks on the flight, some of the flight attendants involved in their union made clear their displeasure with the incumbent President and members of the liberal minority and said that they called the local chapter of their union to put in their two cents worth and those members of the union were amazed to hear that a portion of their dues were going, even really without their knowledge, to guardians of the old order, guardians of the special interests, folks who would put bureaucracy above people and folks who would trust Washington, DC more than the American people. Those folks were absolutely flabbergasted. That is exactly what I am saying and to my friend from Georgia, I will say something else. It has been noted that Boss Sweeney of the AFL–CIO has asked for what sounds like the Clinton tax hike, an increase in those dues. Even as they bemoan the so-called stagnation in earning power, these bosses are asking for an increase in those dues, ergo a compulsory donation to the guardians of the old order without one whit of personal conviction from many members of unions. Indeed by some estimates almost half the members of unions are conservatives who vote consistently with the new majority. It is one of the ironies of life here in Washington.

Mrs. SEASTRAND. It is interesting the gentleman mentioned that. I had earlier commented about the ads playing in my district, on the 800 number. This has been going on for a year, but it has been interesting because I field calls in my office, being a Californian, here in Washington, DC, we have a 3-hour edge so the folks back home, it is 7 o'clock, it is now 10 o'clock, so when I am working in the office, people will call, I will answer the phone and it is interesting because they said, ''I just saw that ad on television, it's an 800 number, I have to go through shenanigans to get to it.'' I guess they are hooked up to the union switchboard. They take their name and address I guess for future fund-raising efforts. ''But I want you to know I'm outraged to know my dollars are used in this way. I'm a union member, always have been and believe in some of these things, but I also agree with you that we have to get big government under control.''

It was interesting to note when I was home these last 2 weeks, there was a very well-organized protest outside my district office in San Luis Obispo. But it was interesting to note that the people that came were the union organizers. They came from San Francisco, there was one from Los Angeles, one from San Jose. And then the executive secretary of the local union who is the hired bureaucrat and another gentleman were all part of this. Everybody else, the union members, the ones they work for, are hard at work trying to make a living for their family. I agree. They say 40 percent of members are good Republicans, pleased with what we are doing and it is firsthand knowledge, that is what I am hearing. In fact one went on television to tell the world that she was very upset to see her dollars being used in such a way for union ads when she was pleased about what we are doing here in the House.

Mr. TAYLOR of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Allow me to compliment and put in perspective what these freshman Members of Congress, and we have two with us tonight, have done. And not only the freshmen but the gentleman from Georgia [Mr. KINGSTON], a Member of the 103d Congress. In the 102d Congress when I came in, we had a Congress that had been controlled for almost 50 years at that time by one party. We had a situation where in the House bank, Members were writing checks freely. They were not paying the money back. They were laundering money and selling drugs from the post office, which is not a U.S. post office. We are not making these things up. There have been numerous convictions and investigations to prove this to be true. That party from this side that had controlled the House for so long could have reformed it. They did not. Seven of us, became known as the Gang of Seven, started unraveling the twine with a request for an investigation. We finally after 8 months forced an investigation because the people of this country demanded it and we started with the investigation into the House bank, which followed in the post office and made the changes.

Even after all of that became known, we could not make the changes in Congress that needed to be made until this 104th Congress and our majority with our freshman class came on board. And now during the last 18 months for the first time in the history of the country, we have had an audit, an audit that has disclosed discrepancies in the past in the House. We have had numerous changes with the Contract With America that was offered. This House has passed most every aspect of that, certainly with the majority in Congress, and has sent it on, most of it has been sent to the President who has vetoed tax reform, tax relief for people in this country. They have vetoed welfare reform and other areas that the freshmen of this group have put through. There answer to the American people has been not to join and do what the American people want, not to pass the reforms the American people have demanded and that this freshman class and this Republican majority Congress has given. It has been to try to go back to the dirty politics side, try to run ads with millions of dollars against freshman Congressmen and try to win back control.

What will they be winning back control to do? To return back to the same situation we had before, where house bank scandals and house post office scandals were common.

I commend their class for the work you have done. Those of us that fought in the 102d Congress and later when the gentleman from Georgia [Mr. KINGSTON] came in the 103d Congress and fought, are being joined by you, and I think the people will make the same decision. In my first race, I won by about 3,000 votes. They immediately gerrymandered my district and put 30,000 votes against me by taking 15,000 from one party out and putting 15,000 new in. And although the President, President Clinton, carried by district, I won in a hard campaign by 55 percent. Last year all the liberal organizations joined, the Democratic women's organization of Emily's List that you are going to find and those contributions do not have to be reported. They can be bundled and slip under the law in a method that allows hundreds of thousands of dollars to go to campaigns unreported. And we won 61 to 39 percent.

What I am saying is the people out there are living and listening to what is happening and the things you are doing and I think they will, with knowledge of what is going on, return you to office in order that reform may continue in this body, that you are carrying out and have been working on. I want to commend you for the work you have done.

Mr. HAYWORTH. I will ask the gentleman from Georgia to yield so I can respond to my friend from North Carolina.

Mr. KINGSTON. Yes.

HAYWORTH. First of all, Mr. Speaker, let me thank the gentleman from North Carolina for his membership and his actions as part of the Gang of Seven, and I point out now there is a gang of 73 and a new majority, and the gentleman from North Carolina is quite right. For in the midst of this talk of reform comes one legitimate question that the gentleman from North Carolina touched on, Mr. Speaker.

If this newfound embracing of reform by the liberals in this House were so genuine, where was it during their long years of domination of this institution, their complicity with the forces of big government and the forces that would always use the same tired equation, the answer of tax-and-spend, tax-and-spend, tax-and-spend. Where was that commitment? And make no mistake. If we retreat, Mr. Speaker, one can imagine a new liberal majority coming to this institutions, having learned its lesson in what through misleading claims and the politics of fear and the complicity of many liberals in the journalistic endeavors might wish to take place here, they would turn on this institution and that notion of reform in a heartbeat. Their notion of reform would be as the actions taken by ancient Rome against the Carthaginians. They would move metaphorically to lace the soil with lime to ensure that the full honest flour of reform would never take root again in this Chamber for the foreseeable future, and to return to an iron grip with rules completely out of proportion, a majority that would border on tyranny. In short, the same type of tyrannical majority we saw in this institution at the tail end of those 40 years of one-party domination.

Mrs. SEASTRAND. If the gentleman would yield, if you watch, you talk about the reform, how there would be no reform, let me tell you, if you look at these ads, negative ads, there is no hope. Everything is negative, negative, negative in the attack I am taking. Bad balanced budget, bad welfare reform, bad tax relief, bad this and that. There is no hope in these ads. And because there is nothing, let us fact it, their ideas are bankrupt after 40 years. There is no hope in their ideas. And so what do they do? All they have left is to just condemn and to attack. And it would be something if they could offer alternatives to the situations at hand today for the problems that need to be solved across this Nation, but it is all the same.

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Their answer is usually more, bigger, more dollars here from Washington, DC.

Mr. KINGSTON. Let us talk about some of these basically Republican solutions, but they are anti-Washington

bureaucrat solutions, some of the things that I think that we have been trying to work for: more choice in medicare, a balance in environmental policy, more local control in education, more State flexibility in poverty and welfare programs.

Thinking of the Medicare policy, here we have in April last year, a Clinton trustee saying Medicare is going bankrupt and in two years, it will be out of money. Well, they missed that by 11 months. In February for the first time in the history, Medicare ran out of money. So we went in there, said okay, people want traditional Medicare, we understand that. But if our seniors want options, like physician service plans, and if they want to join a managed care plan or take an individual medical savings account, let us give them those options, and by offering the options we can reduce the growth from 11 percent each year in Medicare to 4 percent and head away from the insolvency and the bankruptcy. We can save, protect and preserve Medicare and increase spending per recipient from $4,800 to $7,100 at the same time.

Mr. Speaker, a key component of that, as you two know, is cracking down on fraud and abuse. I have with me a Derma-Gran bandage, which a friend of mine in business has sent to me. He said this bandage actually cost 94 cents to produce. It is sold to health care providers for $6. And Medicare, on this 94-cent $6 purchase, gets $36.44 with it.

Now, your mother is paying for that and your father is paying for that, and it is going at the price of their health care, a diagnosis or something down the road. My friend's math on it, he just pointed out to me, that does not sound like that much of a problem, does it? But the fact is potentially, listen to this. Potentially 20,000 nursing home patients each day use this. That would mean this is costing American taxpayers at that $36 rate $21 million per month or, $262 million in nothing but waste and almost fraud but certainly abuse in Medicare. And this is what we were trying to resolve, and this is what the President vetoed, cracking down on these.

Again, we are just giving seniors choices and protections that we need for the program.

Mr. HAYWORTH. If the gentleman would yield, I think it is important again to articulate something, because it is lost in the politics of hyperbole, in the grand political theater of the propaganda on the Nation's radio and television stations right now. And incidentally, I would challenge my former colleagues in television to do their reality checks that they often reserve for the political campaigns. I would challenge my former colleagues in television news around the country to apply the truth ads to these cynical, manipulative, untrue announcements and maintain the vigilance now that they reserve for the election campaign.

But the gentleman from Georgia brings up an interesting point. I do not know anyone, despite the extreme rhetoric of those outrageous claims made on television and radio, I do not know anyone in the new majority who would for a moment wish that his parents would have inadequate health care, desire for his grandparents inadequate health care, purposely move to starve children and deprive them of the basics of life, nor doom America to drinking dirty water and breathing impure air. The claims are outrageous, and my colleague from Georgia correctly points out the challenge is met.

The challenge is presented by the waste, fraud, and abuse in the current vacuum in a Washington-based, one-size-fits-all system that is devoid of the very compassion it claims to give to people, for it denies the most essential element of our freedom: The opportunity to choose. When my parents turn 65 next year, when that happens, there will be no federally provided shopper to accompany them out of their homes and to decree what department store they will visit, what clothing they will buy, what car they will drive. And yet in the current health care system, in the one-size-fits-all anachronistic plan of the 1960's, which we hope to update, improve, transform and, yes, even save, a vacuum exists. A massive bureaucracy exists that invites the very waste, fraud and abuse that the gentleman spoke of.

Mrs. SEASTRAND. If the gentleman would yield.

Mr. HAYWORTH. I yield to the gentlewoman.

Mrs. SEASTRAND. It is interesting that the gentleman mentions the waste, fraud, and abuse, but I think one of the things, particularly in the ads from the big labor unions, the statements they make is we are cutting Medicare. My mom is on Medicare, and she was concerned about this, that her daughter was going to be doing something that she was in need of. And I just want to tell people that that is the worst thing to say, to scare our senior citizens. And I know some of them actually, people went into with their propaganda into nursing homes to scare our older and elderly that are in nursing homes and convalescent homes across the Nation.

I just want to set the record straight. We actually increased Medicare spending from $4,800 per beneficiary starting now to $7,100 in 7 years. Now, I am just an old fourth-grade school teacher that did a lot of old math without calculators. But if we subtract that, we get a difference, and that difference has a big plus sign in front of it. Very, very hard to get that point across, especially to some of the reporters today. I guess they were brought up on new math.

But we are increasing Medicare spending over the next 7 years by $2,300 per beneficiary, and that is with more and more seniors coming into the system. So you can tell we are spending a lot more. And that is one of the falsehoods in the ads that is hitting and attacking some of the freshmen, myself included, today on television.

Another interesting point was I know in the ads, and we heard it all, we hear it from the other side of the aisle, that we are just taking care of our rich friends with tax relief. Well, you know, I have been through this litany. What am I doing here for the rich? A $500 per child tax credit that would benefit 29 million families; a capital gains tax credit that will create 6.1 million jobs; relief from the marriage penalty that would allow 23 million taxpayers to receive $8 billion in tax relief; an adoption credit that would have allowed parents to claim a $5,000 annual tax credit for up to five years in order to help with their child adoption expenses; or how about an elderly care deduction that would allow 1 million taxpayers a $1,000 deduction for the care of a parent or family member?

Mr. Speaker, now maybe for some of those union bosses that live high on the hog here in Washington, DC, that do not understand what the working families back in each of our districts have to face, this is what I voted for and what we proposed is for working families across this nation, and I do not know about any rich people.

Mr. KINGSTON. The gentlewoman had mentioned also about some of the putting common sense into some of the environmental laws. One of the things that happened in California that we know of, Riverdale, California, the endangered kangaroo rat. Now, you know, my view is I do not want to lose a species. I am committed to the Endangered Species Act. Riverdale, CA had kangaroo rat, and the EPA would not let them cut fire breaks in the residential area because it would endanger the habitat of the kangaroo rat. So what happened? A fire came and it destroyed 30 homes.

But in addition to that, it also destroyed 25,000 acres of kangaroo rat habitat. So we have got lose-lose policy for both the private property owner and the kangaroo rat. We see this kind of impracticality over and over again. In fact, I think it was in Arizona, may have been New Mexico, where the Boy Scout was lost last year in a wilderness area.

They discovered him I think 48 hours later, and the Park Service would not let a helicopter land there because it was a motorized vehicle. And under the Wilderness Act, you cannot have any sort of motorized vehicle in the park area. So here is this kid 14 years old, 12 years old, I am not sure of the age, and he is hungry, he is starving, he has been sleeping on rocks, and the helicopter comes and it won't rescue him. You know, it is just out of balance.

The other thing is, the decision to dig fire breaks in Riverdale, California, or to rescue a 14-year-old in a western State does not need to be made out of Washington by a Washington bureaucrat. I think that the Park Service people and the local county commissioners

and the residents can probably figure it out, keep it in Federal guidelines. They can solve their own problem without Washington bureaucrats.

Mrs. SEASTRAND. Well, if the gentleman would yield, I think a lot of the bureaucrats that work here in Washington, DC have never been to our districts. Unless they read National Geographic, they have never come to the middle kingdom of California to see the Monterey Bay Sanctuary or the Channel Island Sanctuary. So what do they do? They do regulations that one size fits all, and it does not fit our particular needs at the local level.

Mr. Speaker, every one of us wants clean water, a better environment. After all, we are going to leave this place and I hope to leave it in a better way for my children and my grandchildren than I found it. But it is interesting, another area that when we are dealing with the environment is to look at the Superfund. And the folks back home say, hey, my tax dollars are going and where are the Superfund sites being cleaned up? And what do we find out? We are spending it on bureaucrats in Washington, DC, who are attorneys and using those dollars to litigate, litigate, litigate. In the meantime, the sites remain dirty. And we want to cut through that so we can take those precious tax dollars, put them into the sites, clean them up and get on with the business of the day at hand.

Mr. HAYWORTH. If the gentlewoman would yield, indeed the current Superfund legislation, in stark contrast to the genuine reforms the new majority would propagate, which we advocate, the current Superfund legislation could well be renamed the special interest and lawyer subsidy act with an incidental tip of the cap to the environment to camouflage its true purpose. I mean that is a long title, but that is in essence what has transpired here. Come to think of it, may not be entirely grammatically correct. I would bow to my friend who taught the fourth grade so capably for many years in that regard.

But regardless of the fractured syntax, it does not take away from the validity of the observation of the gentleman from Georgia.

Mr. Speaker, I can recall on another occasion just prior to our recent recess when we returned home to the districts, where I came to this floor along with the gentleman from Georgia, a gentleman from Maryland, a gentleman from Michigan. No, we do not agree on every jot and tittle of what should transpire with meaningful reform to conservation and environmental legislation, and yet there were some common themes. One just rearticulated by the gentleman from Georgia dealing with the notion of local control and State control now being perhaps the most capable way to address many of these problems.

Indeed, I do not believe anyone would argue of the necessity of the action taken in the early 1970's in the Nixon administration to create an Environmental Protection Agency. The question now becomes, however, with 50 States with their own departments of environmental qualities, in other words, 50 State-run EPA's, in effect, a legitimate question can be asked, should everything be centered in Washington? Indeed, the gentlewoman from California referred to one of the main problems, and let me pause here so no one will misunderstand. I do not discredit the millions of hard-working people who are in the employ of the Federal Government. I realize many of them work hard to do the jobs they are given. But sometimes those jobs are ill defined, or worse, the dynamics or the situation into which these employees are thrust leads to impracticalities, such as the notion of being deskbound instead of in the field looking at problems.

On an occasion which we were discussing Indian housing, and there are more native Americans living on reservations in the Sixth District of Arizona than anywhere else in the continental United States, one of my constituents offered the story. There was a body of water on the reservation land in that district that the people had come to call Twelve Mile Lake.

□ 2230

Well, there was some contentious debate with an EPA administrator, I believe from San Francisco so the story goes, according to my constituent. And during many telephone conversations, the EPA official in San Francisco behind a desk was adamant, certainly there must be significant wetlands protection for that body of water known as Twelve Mile Lake. The tribal administration, my friend who recounted the story, said, sir, you don't understand, it is not a significant body of water, it is a tiny body of water. It is akin to a mud puddle. Oh, certainly you exaggerate, said the EPA official. There must be these safeguards.

Well, miracle of miracles, the U.S. official, the San Francisco bureaucrat, left that beautiful city by the bay and traveled to the reservation land, and the tribal officials took him to what in essence was a mud puddle. My constituent said, evoking images of Madison Avenue, it made for a Kodak moment to see the expression of stupefaction that crossed the bureaucrat's face. He said something to the effect of, you're right, it is a mud puddle. Why do you call it Twelve Mile Lake? And the tribal official said, well, you see, sir, that's what we've been trying to tell you. The reason this particular small body of water is called Twelve Mile Lake is not because of its dimensions but because, you see, it is 12 miles from the center of town to this particular body of water.

And I think the story speaks volumes, and I daresay a disturbing tendency would be the overzealousness to abandon the context of what is reasonable to have almost the unbelievable advocacy of saying that mud puddle should be equated with a navigable water and should be a wetland that is protected. And that is the next course of action that has been taken on many different fronts. What should always undergird our mission in this Congress is a standard test of the law of Western civilization. What is reasonable? What would a reasonable person do?

Mr. KINGSTON. Our friend Frank Luntz uses this illustration. Do you know that the State of Indiana does not participate in daylight savings time? They do not spring forward and fall backward.

Mr. HAYWORTH. If you would yield for a second, let me also say the great State of Arizona does not subscribe to savings time either.

Mr. KINGSTON. Did you know that Indiana did not? I did not know that of Arizona. Did you know that?

Mrs. SEASTRAND. Yes, I did.

Mr. KINGSTON. You two are exceptionally brilliant. Four hundred thirty-five Members, I can almost promise you that 90 percent of us do not know that. But don't you think that is relevant to the people in Arizona and Indiana, that they do not spring forward and fall backward on their time? And don't you think that would be relevant for a business doing commerce in either of those two States, or a visitor or a government?

And isn't it ironic that I can vote, as can any other Member of Congress on things affecting the people of Arizona and Indiana, and not even know such a fundamental thing about their culture? And yet we do it routinely, just like you talked about with the Twelve Mile Lake.

The bureaucrat in Washington can set the rule, having no idea that the lake is not 12 miles wide, simply that, and not knowing that it is just simply 12 miles from town. But they are experts on everything, and they are from the government and they are here to help and they are going to tell you how to run your town and your State.

Mrs. SEASTRAND. It was interesting, I have just been appointed to the Speaker's Environmental Task Force. I am serving on the steering committee. And during the recess, I naturally organized a task force for my two countries of my district and invited, as a jumping off period, a first meeting, some 28 people from different agencies and local groups that are active within the environment. And when you start thinking about this, this is vast. We can have a lot of great discussions, and I am looking forward to our monthly meetings.

But it was interesting at that first meeting, an attorney who makes his living on litigation said, I hate to say this because I make my living this way, but I deal every day trying to make sense of the regulations from Washington, DC. And because some of these laws were written some 20, 25 years ago, technology is advanced,

science knows so much more, and we need to look at science, we need to look at the technology today and reform and change some of these laws. Not throw them out, but let us change what can fit 1996 for a better way, a better environment.

It was interesting, one of the Federal agencies' representatives said, you know, in my job I have a standard, and I have the State official from the agency following me right behind, and we are doing the same work. In other words, repetition. The taxpayer is not getting good use of people sharing resources.

Another gentleman said from one of the other Federal agencies, you know, I would do anything to be able to have a local advisory group to give me input as to what they feel about situations that affect what I am doing here. So it was interesting, in that short 1-hour beginning meeting of a task force, I was able to learn and get from other people that have to deal in this area every day, their feelings of what we have talked about in this new Congress with this new attitude.

We want to give incentives to people, not penalize them so if they find an endangered species on their property, they are worried about it and they do not want to tell anybody. I want them to be able to tell a government official about it, so that they can get an incentive and figure out how they are going to continue having the endangered species on their property and still have property rights to see that they can utilize that land.

So it is interesting. We have a long way to go. It will be an exciting time to be part of the environmental task force so that we can come together and discuss the policy for the 21st century.

Mr. KINGSTON. Now, one of the things I hear, and you mentioned earlier on the Superfund, is that Superfund is 15 years old. We have spent $25 billion on it and yet we have only cleaned up 12 percent of the national priority polluted sites.

Mr. HAYWORTH. Would you yield just a second? I want you to repeat the amount of money spent on this over 12 years, over 15 years.

Mr. KINGSTON. Over 15 years we have spent $25 billion on environmental cleanup and only cleaned up 12 percent of the sites.

Mrs. SEASTRAND. And may I add, if the gentleman would yield, I want to add this statistic. The Justice Department spent over 800,000 man-hours just on Superfund litigation between 1990 and 1992. That is a lot of hours.

Mr. KINGSTON. I understand that translates to about 43 cents on the dollar going to the cost of litigation. Now, it does not matter where you are on the environmental debate, we all should come together and say this is broken and we need to fix it.

Mr. HAYWORTH. And if the gentleman would yield, numerous examples from the great Grand Canyon State of Arizona, one in particular from a couple of years ago, bears out what I talked about in an abbreviated fashion this morning in responding to my good friend from Georgia on this floor, and what we have talked about tonight, and indeed what is one of the basic tenets of this new practical, realistic, common sense majority, and that is one size does not fit all.

Phoenix is not the same as Philadelphia, nor is Flagstaff the same as Fargo, ND. And, indeed, something that transpired 2 years ago in the desert City of Tucson, Arizona, offers a stirring example.

There was a violent windstorm in the desert. Those wind storms blow up great dust devils, great amounts of dust in the air. Visibility is poor. There was a car crash on Interstate 10, one of those long 20-car tangos, if you will. But also, even as that was transpiring on the interstate, moving through Tucson, Arizona, technical data collection, equipment provided by the Federal Government to monitor the Clean Air Act, showed that at the same time Tucson was technically in violation of the provisions of the Clean Air Act.

Now, the particulates in the air on that day did not come from the cars involved in the accident on the interstate, it came from the particulates in the air. When you live in a desert and a windstorm blows up, there will be more particulates in the air; ergo, Tucson is not the same a Tacoma. Different places, different areas of this Nation, different climatic conditions offer different challenges.

And, yes, while there are some technologies that are common, certainly the circumstances of those respective areas should be taken into account, not for Washington standards but for local standards that are realistic, reasonable and move to protect the environment.

Mr. KINGSTON. And with the Federal presence, guidance, and oversight, but not necessarily Washington bureaucratic micromanagement.

Now, I think probably the biggest failure of the Washington bureaucracy to manage a problem is local poverty control. You know, the folks on welfare in Savannah, GA, have to do what the bureaucrats tell them to do in Washington, and it is the same bureaucrats telling your folks in California what to do, and the people in California in Mrs. SEASTRAND's district have to do what the folks in Arizona in your district do, and you have one Washington bureaucracy command controlling poverty. As a result, since 1964 we have spent $5 trillion on poverty. The poverty rate then was 14 percent, and the poverty rate now is 14 percent. It has not worked. We need local control and flexibility.

You know what? I cannot solve Mrs. SEASTRAND's poverty problem, and I cannot solve Mr. HAYWORTH's, and maybe I cannot solve mine. But you know what? I can do a heck of a lot better job on mine than I can on yours. Just give me the tools and I think I can do it.

That is one reason why you want State block grants. Cut out the poverty brokers and put the control in the hands of the local people.

Mrs. SEASTRAND. If the gentleman would yield. I had a firsthand experience in what you are saying. I served in the State assembly in California. And so often the folks back here in Washington, DC, in this House, would vote a particular bill, legislation, change the law, and then it would come down to us and they would hold the hammer over our head. If you do not follow these rules the way we want you to do it, we are going to hold back on transportation funds or welfare funds or whatever.

And we knew that we could do it a better way; that we here in California perhaps did not match what you needed to do for your folks in Savannah, GA, or the people in Arizona. And that was day in, day out that we were constantly told if we did not adhere to the new mandates from the Federal Government they would hold back something from us.

So many times I would vote no to just protest, and then most of the folks, though, would vote yes and we would receive another mandate from the Federal Government that many times did not make sense to us at the State level.

Mr. HAYWORTH. And if the gentlewoman would yield, it is worth noting that one of the genuine reforms and one of the few times in which the gentleman at the other end of Pennsylvania Avenue in the big white house was willing to work with us was on this notion of unfunded mandates, where Washington bureaucrats decreed to local government officials you will do it this way.

The frustration of that system has led the mayor of Winslow, AZ, to coin a new phrase. He calls it the idiocracy. The idiocracy which would mandate an action being taken without taking into account the realistic, common sense, reasonable notions of the good people who live right there in the area and also want to redress the problem but on their own terms, reflecting their own priorities, with no less of a commitment to solving that problem. That is what we must remember.

Mrs. SEASTRAND. If the gentleman would yield. I know our time is coming to a close, but I would just say that all of Americans across this Nation I think have to be reminded that so many of them voted for a change in 1994 and that change has begun, but it is not going to be completed in such a short time. We have to chip away at so much that has been built after 40 years and we have to keep driving for that change.

You know, I am pleased, being from California, that we have seen, in passing legislation off this floor regarding immigration reform, we talked about lowering taxes, and we talked about earlier the line item veto and returning government decisions to state and

local levels and to continue our push for a balanced budget. But we have to continue to do that. And I just would say that what we have seen happen here, there are forces that do not like what we have accomplished.

□ 2245

They are going to try their very best to more or less take some of us out in this next election so that they can take back that old status quo of big bureaucratic Washington-controlled government. I just am going to fight it, as I know you gentlemen will, too.

Mr. HAYWORTH. I would close with an observation by one of my constituents in the Navajo Nation, having spent Sunday in Window Rock, Arizona. A lady told the story of a young homemaker in a Navajo household cutting off a substantial portion of a hand. Kids asked her why. She said, I do not know; mom did it. So she went to great-grandma and she said, why did you cut off a major part of your hand. She said, well, it used to be a smaller pot and so I had to cut that off to make it fit in the pot, an example of a tradition for tradition's sake that defied common sense and needed to be changed, in much the same way we need to make changes here. Not because Washington said so, but because technology and the people living in those areas are willing to make the changes of their own volition. History does not occur in a vacuum and history is on the side of freedom.

Mr. KINGSTON. Mr. Speaker, let me conclude with this. Last week a teacher in Darien, Georgia told me that in an 8-hour day she spends two to three hours filling our paperwork, about 50 percent of it is for the Federal Government. That is 10 to 15 hours a week that is not spent teaching Johnny how to read, write, and do arithmetic. She can teach her children better than the bureaucrats who are making her fill out the paperwork in Washington.

What we are asking with that and all these other examples, let the local people do what they know how to do best and let the Washington bureaucrats stop the micromanagement, return freedom to the people and increase personal responsibility along the way.

I thank Mrs. SEASTRAND of California and Mr. HAYWORTH of Arizona for being with me tonight.

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 Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. GEPHARDT, for 5 minutes, today.

(The following Members (at the request of Mr. BLUTE) to revise and extend their remarks and include extraneous material:)

Mr. GOSS, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. FRANKS of Connecticut, for 5 minutes, today.

Mr. MANZULLO, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

Mr. DORNAN, for 5 minutes, today.

Mr. DIAZ-BALART, for 5 minutes, on April 17.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WISE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WATT of North Carolina, for 5 minutes, today.

(Mr. FOX of Pennsylvania (at his own request), 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 Ms. JACKSON-LEE of Texas) and to include extraneous matter:)

Ms. NORTON.

Ms. PELOSI.

Mr. RICHARDSON, in two instances.

Mr. LEVIN.

Mr. STARK.

Mr. VISCLOSKY.

Mr. MILLER of California.

Mr. ACKERMAN.

Mr. VENTO.

Mr. STOKES.

(The following Members (at the request of Mr. BLUTE) and to include extraneous matter:)

Mr. WATTS of Oklahoma, in two instances.

Mr. CAMP.

Mr. BURTON of Indiana.

Mr. BILIRAKIS.

Mr. EWING.

Mr. TORKILDSEN, in two instances.

Mr. KING.

(The following Members (at the request of Mr. GRAHAM) and to include extraneous matter:)

Mr. MARTINI.

Mrs. ROUKEMA.

Mr. VENTO.

Mr. LATOURETTE.

Mr. BURTON of Indiana.

Mr. KING in two instances.

Mr. SOLOMON.

Mr. TIAHRT.

Mr. KANJORSKI.

Mr. LANTOS.

Mr. SHUSTER.

Mr. MASCARA.

Mrs. MEEK of Florida.

Mr. ORTON.

Mr. POSHARD.

Mr. STOKES.

Mr. WARD.

Mr. OBEY.

Ms. ROS-LEHTINEN.

Mr. SMITH of Michigan.

Mr. HASTERT.

Mr. DEUTSCH.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following dates present to the President, for his approval, bills and joint resolutions of the House of the following title:

On March 20, 1996:

H.J. Res. 78. Joint resolution to grant the consent of the Congress to certain additional powers conferred upon the Bi-State Development Agency by the States of Missouri and Illinois.

On March 28, 1996:

H.J. Res. 168. Joint resolution waiving certain enrollment requirements with respect to two bills of the 104th Congress.

H.R. 2969. An act to eliminate the Board of Tea Experts by repealing the Tea Importation Act of 1897.

On March 29, 1996:

H.R. 3136. An act to provide for enactment of the Senior Citizen's Right to Work Act of 1996, the Line-Item Veto Act, and the Small Business Growth and Fairness Act of 1996, and to provide for a permanent increase in the public debt limit.

H.J. Res. 170. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

On April 3, 1996:

H.R. 2854. An act to modify the operation of certain agricultural programs.

On April 5, 1996:

H.R. 1833. An act to amend title 18, United States Code, to ban partial-birth abortions.

H.R. 1561. An act to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; to responsibly reduce the authorizations of appropriations for U.S. foreign assistance programs for fiscal years 1996 and 1997, and for other purposes.

ADJOURNMENT

Mr. KINGSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 47 minutes p.m.) the House adjourned until tomorrow, Wednesday, April 17, 1996, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2378. A letter from the Assistant Secretary of Defense, transmitting the Department's report on automated information systems of DOD, pursuant to Public Law 104–106, section 366(c)(1) (110 Stat. 276); to the Committee on National Security.

2379. A letter from the Deputy Secretary of Defense, transmitting three reports pursuant to the National Defense Authorization Act for fiscal year 1996, the report are as follows: ''Improving the Combat Edge Through Outsourcing,'' in response to section 357; ''Policy Regarding Performance of Depot-Level Maintenance and Repair,'' in response to section 311(c); and ''Depot-Level Maintenance and Repair Workload,'' in response to section 311(i); to the Committee on National Security.

2380. A letter from the Secretary of Defense, transmitting the Department's report to the Congress entitled ''Nonlethal Weapons,'' pursuant to Public Law 104–106, section 219(c) (110 Stat. 223); to the Committee on National Security.

2381. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Indonesia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

2382. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the 1994 report required by section 918 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, pursuant to 12 U.S.C. 1833; to the Committee on Banking and Financial Services.

2383. A letter from the Chairman, Federal Deposit Insurance Corporation, transmittng the 1995 report required by section 918 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, pursuant to 12 U.S.C. 1833; to the Committee on Banking and Financial Services.

2384. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting the Board's report on finance charges under the Truth in Lending Act, pursuant to section 2(f) of the Truth in Lending Act Amendments of 1995; to the Committee on Banking and Financial Services.

2385. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 2969, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

2386. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 2854, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

2387. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 3136 and H.R. 1266, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

2388. A letter from the Secretary, Nuclear Regulatory Commission, transmitting the Commission's major rule—revision of fee schedules; 100 percent fee recovery, fiscal year 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2389. A letter from the Secretary of Health and Human Services, transmitting the Department's annual report entitled ''Public Housing Primary Care Program,'' pursuant to section 340A of the Public Health Service Act; to the Committee on Commerce.

2390. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 96–20: Suspending Restrictions on United States Relations with the Palestine Liberation Organization, pursuant to Public Law 104–107, section 604(b)(1) (110 Stat. 756); to the Committee on International Relations.

2391. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report entitled ''Assistance Related to International Terrorism Provided by the U.S. Government to Foreign Countries,'' pursuant to 22 U.S.C. 2349aa–7(b); to the Committee on International Relations.

2392. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–216, ''Early Intervention Services Sliding Fee Scale Establishment Temporary Act of 1996,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2393. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–240, ''Health Services Planning and Certificate of Need Program Temporary Amendment Act of 1996,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2394. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–242, ''Business Improvement Districts Act of 1996,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2395. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–243, ''Public Charter Schools Act of 1996,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2396. A letter from the U.S. Commissioner, Delaware River Basin Commission, transmitting the Commission's report in compliance with the Inspector General Act of 1978, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

2397. A letter from the Chairman, Farm Credit Administration, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1995, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

2398. A letter from the Chairman, Farm Credit Administration, transmitting a report of activities under the Freedom of Information Act for the calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2399. A letter from the Acting Administrator, General Services Administration, transmitting a report of activities under the Freedom of Information Act for the calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2400. A letter from the Executive Director, Japan-United States Friendship Commission, transmitting the 1995 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to Public Law 100–504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

2401. A letter from the U.S. Commissioner, Susquehanna River Basin Commission, transmitting the Commission's report in compliance with the Inspector General Act of 1978, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

2402. A letter from the Administrator, Federal Aviation Administration, transmitting the Administration's list of the foreign aviation authorities to which the Administrator provided services in the preceding fiscal year, pursuant to Public Law 103–305, section 202 (108 Stat. 1582); to the Committee on Transportation and Infrastructure.

2403. A letter from the Secretary of Transportation, transmitting the Department's second annual report on the activities of the Department regarding the guarantee of obligations issued to finance the construction, reconstruction, or reconditioning of eligible export vessels, pursuant to section 1111(b)(4) of the Merchant Marine Act of 1936, as amended; to the Committee on Transportation and Infrastructure.

2404. A letter from the Secretary of Veterans Affairs, transmitting the Department's report on the evaluation of health status of spouses and children of Persian Gulf war veterans, pursuant to 38 U.S.C. 1117 note; to the Committee on Veterans' Affairs.

2405. A letter from the Chief of Staff, Social Security Administration, transmitting the Administration's final rules on statement of earnings and benefit estimates (RIN 0960–AD74), pursuant to 5 U.S.C. 801a); to the Committee on Ways and Means.

2406. A letter from the Secretary of Health and Human Services, transmitting notification that the Department is allotting to States, the District of Columbia, Indian tribes, and territories emergency funds made available under section 2602(e), of the Low—Income Home Energy Assistance Act of 1981, pursuant to 42 U.S.C. 8623(g); jointly, to the Committees on Commerce and Economic and Educational Opportunities.

2407. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 96–19: Determination Pursuant to Section 523 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (Public Law 104–107), pursuant to Public Law 104–107, section 523 (110 Stat. 729); jointly, to the Committees on International Relations and Appropriations.

2408. A letter from the President, U.S. Institute of Peace, transmitting a report of the audit of the Institute's accounts for fiscal year 1995, pursuant to 22 U.S.C. 4607(h); jointly, to the Committees on International Relations and Economic and Educational Opportunities.

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. GILMAN: Committee on International Relations. H.R. 3121. A bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes (Rept. 104–519 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MEYERS: Committee on Small Business. H.R. 2715. A bill to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small businesses, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies; with an amendment (Rept. 104–520 Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1965. A bill to reauthorize the Coastal Zone Management Act of 1972, and for other purposes; with an amendment (Rept. 104–521). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Rules discharged from further consideration. H.R. 3121 referred to the Committee of the Whole House on the State of the Union.

BILLS PLACED ON THE CORRECTIONS CALENDAR

Under clause 4 of rule XIII, the Speaker filed with the Clerk a notice requesting that

the following bills be placed upon the Corrections Calendar:

H.R. 3049, a bill to amend section 1505 of the Higher Education Act of 1965 to provide for the continuity of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development.

H.R. 3055, a bill to amend section 326 of the Higher Education Act of 1965 to permit continued participation by Historically Black Graduate Professional Schools in the grant program authorized by that section.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 3121. Referral to the Committee on Rules extended for a period ending not later than April 16, 1996.

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. EVERETT (for himself and Mr. EVANS):

H.R. 3248. A bill to amend title 38, United States Code, to revise and improve certain veterans programs and benefits, to authorize the American Battle Monuments Commission to enter into arrangements for the repair and long-term maintenance of war memorials for which the Commission assumes responsibility, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ABERCROMBIE (for himself and Mr. WICKER):

H.R. 3249. A bill to authorize appropriations for a mining institute to develop domestic technological capabilities for the recovery of minerals from the Nation's seabed, and for other purposes; to the Committee on Resources.

By Mr. BEREUTER (for himself, for Mr. FORD, Ms. LOFGREN, Mr. MCINTOSH, Mr. PICKETT, Mr. DELLUMS, Ms. WOOLSEY, Mr. STARK, Mr. FAZIO of California, Mr. COSTELLO, Mrs. MEYERS of Kansas, Mr. EHLERS, Mr. SCHAEFER, Mr. MOLLOHAN, Mr. LEACH, Mr. GILCHREST, Mr. BOEHLERT, Mr. CASTLE, Mr. CLAY, Mr. VENTO, Mr. SKELTON, Mr. EVANS, Mrs. MORELLA, Mr. RAHALL, Mr. SKAGGS, Ms. MCCARTHY, Mr. HEFLEY, Mr. WELLER, Mrs. VUCANOVICH, Mr. BUNNING of Kentucky, Mr. BAKER of California, Mr. BEILENSON, Ms. NORTON, Mr. HASTINGS of Florida, Mr. HAMILTON, Mr. FROST, Mr. WAXMAN, Mr. BARRETT of Nebraska, Mr. ORTON, Mr. NEY, Mr. LANTOS, Mr. FAWELL, and Mr. MILLER of California):

H.R. 3250. A bill to amend the National Trails System Act to create a new category of long-distance trails to be known as National Discovery Trails, to authorize the American Discovery Trail as the first national trail in that category, and for other purposes; to the Committee on Resources.

By Mr. LIGHTFOOT (for himself, Mr. LEACH, Mr. NUSSLE, Mr. GANSKE, and Mr. LATHAM):

H.R. 3251. A bill to amend the Internal Revenue Code of 1986 to expand the applicability of the first-time farmer exception; to the Committee on Ways and Means.

By Ms. McKINNEY:

H.R. 3252. A bill to amend the Internal Revenue Code of 1986 to discourage American businesses from moving jobs overseas and to encourage the creation of new jobs in the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. PARKER (for himself, Mr. WICKER, Mr. TAYLOR of Mississippi, Mr. THOMPSON, Mr. EDWARDS, Mr. COOLEY, Mr. EVERETT, Mr. DOYLE, Mr. HUTCHINSON, Mr. CLEMENT, Mr. SMITH of New Jersey, Mr. EVANS, Mr. MASCARA, Ms. BROWN of Florida, Mr. FILNER, Mr. KENNEDY of Massachusetts, Mr. TEJEDA, Ms. WATERS, Mr. NEY, Mr. CLYBURN, and Mr. EMERSON):

H.R. 3253. A bill to name the Department of Veterans Affairs medical center in Jackson, MS, as the ''G.V. (Sonny) Montgomery Department of Veterans Affairs Medical Center''; to the Committee on Veterans' Affairs.

By Mr. QUILLEN:

H.R. 3254. A bill to suspend until January 1, 1998, the duty on Fybrel [SWP]; to the Committee on Ways and Means.

H.R. 3255. A bill to amend the Harmonized Tariff Schedule of the United States to correct the tariff treatment of certain iron and steel pipe and tube products; to the Committee on Ways and Means.

By Mr. ROBERTS:

H.R. 3256. A bill to establish the Nicodemus National Historic Site in Kansas, and for other purposes; to the Committee on Resources.

By Mr. ZIMMER (for himself and Mr. FRELINGHUYSEN):

H.R. 3257. A bill to develop model curricula appropriate for elementary and secondary students; to the Committee on Economic and Educational Opportunities.

By Mr. MILLER of California:

H. Con. Res. 162. Concurrent resolution recommending the entitles which were instrumental in developing the ''Friday Night Live'' and ''Club Live'' programs and which have created, are operating, and are working to expand the ''Rotary Life Club'' program; to the Committee on Economic and Educational Opportunities.

By Mr. ARCHER:

H. Res. 402. Resolution returning to the Senate the bill S. 1463; considered and agreed to.

By Mr. GEPHARDT:

H. Res. 403. Resolution in tribute to Secretary of Commerce Ronald H. Brown and other Americans who lost their lives on April 3, 1996, while in service to their country on a mission to Bosnia; to the Committee on Commerce.

By Mrs. MEEK of Florida:

H. Res. 404. Resolution in tribute to Secretary of Commerce Ronald H. Brown and other Americans who lost their lives on April 3, 1996, while in service to their country on a mission to Bosnia; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 99: Ms. WOOLSEY.

H.R. 118: Mr. SALMON.

H.R. 188: Mr. SANDERS.

H.R. 248: Mr. UPTON.

H.R. 491: Mr. TAYLOR of Mississippi, Mr. STOCKMAN, Mr. PETERSON of Minnesota, Mr. DEAL of Georgia, Mr. FUNDERBURK, Mr. GREENWOOD, and Mr. HALL of Texas.

H.R. 822: Mr. SALMON.

H.R. 833: Mr. BARRETT of Wisconsin and Mr. GUNDERSON.

H.R. 1110: Mr. SALMON.

H.R. 1462: Mr. PAYNE of New Jersey.

H.R. 1483: Mr. MINGE, Mr. WATTS of Oklahoma, Mr. ANDREWS, and Mr. STEARNS.

H.R. 1757: Mrs. THURMAN.

H.R. 1776: Mr. REGULA, Mr. BARCIA of Michigan, Mr. LANTOS, Ms. LOFGREN, Mr. OBERSTAR, Mr. CLAY, and Mr. SCHUMER.

H.R. 1791: Mr. OLVER.

H.R. 1797: Mrs. MEEK of Florida, Mr. FOGLIETTA, Mr. FOX, Ms. WATERS, Mr. FROST, Ms. NORTON, and Mr. DEUTSCH.

H.R. 1819: Mr. GEPHARDT.

H.R. 1856: Mr. RADANOVICH.

H.R. 2011: Ms. JACKSON-LEE, Mr. BECERRA, and Mr. DINGELL.

H.R. 2270: Mr. HUTCHINSON.

H.R. 2272: Mr. BONIOR and Mr. BROWN of California.

H.R. 2306: Mr. KILDEE and Mr. WISE.

H.R. 2391: Mr. STENHOLM.

H.R. 2508: Mrs. MEYERS of Kansas.

H.R. 2531: Mr. WHITFIELD.

H.R. 2566: Mr. KENNEDY of Massachusetts and Mr. RICHARDSON.

H.R. 2740: Mr. GEKAS.

H.R. 2741: Mrs. FOWLER, Mr. HOBSON, and Mr. ROYCE.

H.R. 2746: Mr. REED, Mr. SMITH of New Jersey, Mr. POMBO, Mr. DELLUMS, Mr. OBERSTAR, Mr. UNDERWOOD, Mr. LANTOS, Mr. ABERCROMBIE, Mr. BROWN of Ohio, Ms. NORTON, Mr. FRANK of Massachusetts, Ms. SLAUGHTER, Mr. CONYERS, Mr. HALL of Ohio, Mr. MANTON, Mr. ROMERO-BARCELO, and Ms. FURSE.

H.R. 2777: Mr. SCOTT.

H.R. 2798: Mr. LUTHER and Mr. POMBO.

H.R. 2834: Mr. ANDREWS.

H.R. 2900: Ms. FURSE, Mr. COX, Mr. PARKER, Mr. WYNN, Mr. GANSKE, Mr. BROWDER, Mr. NEUMANN, and Mr. PALLONE.

H.R. 2925: Mr. FORBES, Mr. CHRYSLER, Mr. WAMP, Mr. CASTLE, Mr. CALLAHAN, Mr. TEJEDA, Mr. MCKEON, Mr. LAZIO of New York, and Mr. MONTGOMERY.

H.R. 2943: Mr. OBEY, Mr. EMERSON, Mr. ROMERO-BARCELO, and Mr. SHAYS.

H.R. 3059: Mr. OLVER, and Mrs. THURMAN.

H.R. 3084: Mr. ACKERMAN, Mr. FROST, Mr. DORNAN, and Mr. TEJEDA.

H.R. 3108: Mr. FROST.

H.R. 3114: Mr. ENGEL, Ms. NORTON, Mr. BARRETT of Nebraska, and Mr. BALLENGER.

H.R. 3161: Mr. HOUGHTON.

H.R. 3170: Mr. TORRICELLI and Mr. MANTON.

H.R. 3180: Mr. CHAPMAN, Mr. FOGLIETTA, Mr. GREEN of Texas, Mrs. MALONEY, and Mr. DEUTSCH.

H.R. 3201: Mr. ROSE, Mr. MYERS of Indiana, and Mr. PETE GEREN of Texas.

H.R. 3217: Mr. PALLONE, Mr. HINCHEY, Mr. VENTO, Mr. CARDIN, and Mr. FARR.

H.R. 3236: Mr. JOHNSON of South Dakota, Mr. PETERSON of Minnesota, Mr. STENHOLM, Mr. HILLIARD, Mrs. CLAYTON, Mr. HOLDEN, Mr. BALDACCI, and Mr. POMEROY.

H. Con. Res. 47: Mr. HAMILTON.

H. Con. Res. 50: Ms. NORTON.

H. Con. Res. 103: Mr. ENGEL, Ms. MOLINARI, Mr. MILLER of California, and Mr. TORRICELLI.

H. Con. Res. 156: Mr. HILLIARD, Mrs. CLAYTON, Mr. FROST, Mr. MCDERMOTT, Mr. FRAZER, Ms. PELOSI, Mrs. MALONEY, Mrs. MEEK of Florida, Mr. OWENS, Mr. Payne of New Jersey, Mr. FOGLIETTA, Mr. FOX, Mr. GREEN of Texas, Ms. WATERS, Mr. ROMERO-BARCELÓ, Mr. FALEOMAVAEGA, Ms. NORTON, AND MR. FILNER.

H. Con. Res. 160: Mr. CAMPBELL and Mr. JOHNSTON of Florida.

H. Res. 282: Mrs. LOWEY, Mr. SMITH of New Jersey, Mr. YATES, and Mr. LEVIN.

H. Res. 316: Mr. LAZIO of New York and Mr. ZIMMER.

H. Res. 381: Mr. LEVIN, Mr. STARK, Mr. BRYANT of Texas, Mr. LIPINSKI, Mr. ROMERO-BARCELÓ, and Mr. MANTON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 789: Mr. DURBIN.
H.R. 1202: Mr. SHAW.
H.R. 1963: Mr. SHAYS.
H.R. 1972: Mr. QUINN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 842

OFFERED BY: MR. MINGE

AMENDMENT NO. 1: On page 3, line 10 insert ''(a) IN GENERAL.—Except as provided in subsection (b)'' before ''Notwithstanding''

On page 4, after line 14 insert the following:

''(b) PROHIBITION ON FUNDING TRANSPORTATION PROJECTS FROM GENERAL REVENUE.—Subsection (a) shall no longer be effective after the last day of a fiscal year in which any amounts were made available from the general fund of the Treasury of the United States for construction, rehabilitation and maintenance of highways or grants-in-aid for airports or for aviation-related facilities, equipment, research and engineering as determed by the Director of the Office of Management and Budget.''

H.R. 842

OFFERED BY: MR. MINGE

AMENDMENT NO. 2: Page 3, line 10, insert ''(a) IN GENERAL.—'' before ''Notwithstanding''.

Page 4, after line 14, insert the following:

(b) PROHIBITION ON EARMARKING OF HIGHWAY TRUST FUND AMOUNTS.—Subsection (a) shall no longer apply with respect to the Highway Trust Fund after the last day of any fiscal year in which amounts are made available for obligation from the Highway Trust Fund for any highway construction project or activity that is specifically designated in a Federal law, a report of a committee accompanying a bill enacted into law, or a joint explanatory statement of conferees accompanying a conference report, as determined by the Director of the Office of Management and Budget.

H.R. 842

OFFERED BY: MR. MINGE

AMENDMENT NO. 3: Page 3, line 10, insert ''(a) IN GENERAL.—'' before ''Notwithstanding''.

Page 4, after line 14, insert the following:

(b) PROHIBITION ON EARMARKING OF HIGHWAY TRUST FUND AMOUNTS.—Subsection (a) shall no longer apply with respect to the Highway Trust Fund after the last day of any fiscal year in which amounts are made available for obligation from the Highway Trust Fund for any construction project or activity that is specifically designated in a Federal law, a report of a committee accompanying a bill enacted into law, or a joint explanatory statement of conferees accompanying a conference report, as determined by the Director of the Office of Management and Budget.

H.R. 842

OFFERED BY: MR. OBEY

AMENDMENT NO. 4: Page 3, line 10, strike ''Notwithstanding'' and insert ''(a) IN GENERAL.—Except as provided by subsection (b) and notwithstanding'', and page 4, after line 14, insert the following new subsection:

(b) EXCEPTION.—If, for any fiscal year, the disbursements from any fund described in subsection (a) exceed receipts dedicated to that fund, the provisions of subsection (a) shall not apply to that excess of disbursements over receipts.

H.R. 842

OFFERED BY: MR. ROYCE

AMENDMENT NO. 5: Page 3, line 10, insert ''(a) IN GENERAL.—'' before ''Notwithstanding''.

Page 4, after line 14, insert the following:

(b) PROHIBITION ON EARMARKING OF HIGHWAY TRUST FUND AMOUNTS.—Subsection (a) shall no longer apply with respect to the Highway Trust Fund after the last day of any fiscal year in which amounts are made available for obligation from the Highway Trust Fund for any highway construction project or activity that is specifically designated in a Federal law, a report of a committee accompanying a bill enacted into law, or a joint explanatory statement of conferees accompanying a conference report, as determined by the Director of the Office of Management and Budget.

H.R. 842

OFFERED BY: MR. SABO

AMENDMENT NO. 6: Page 3, line 10, strike ''Notwithstanding'' and insert ''(a) IN GENERAL.—Except as provided by subsection (b) and notwithstanding'', and page 4, after line 14, insert the following new subsection:

(b) EXCEPTION.—(1) If, for any fiscal year, the disbursements from any fund described in subsection (a) would exceed the balance in that fund (as adjusted pursuant to paragraph (2)), the provisions of subsection (a) shall not apply to those excess disbursements.

(2) In applying this subsection, the balances otherwise available in a trust fund shall be reduced by the amount (if any) by which interest to be credited to that fund during a fiscal year would exceed the amount of interest that would be credited if the interest rate paid to the fund did not exceed the average interest rate on 52-week Treasury securities to be sold to the public during the same fiscal year.

H.R. 842

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 7: Page 3, lines 10 and 11, strike ''the receipts and disbursements of'' and insert the following:

the amounts that after the date of the enactment of this Act are received by or disbursed from

H.R. 842

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 8: Page 12, after line 22, insert the following:

SEC. 5. APPROPRIATION OF INTEREST EARNINGS OF HIGHWAY TRUST FUND.

(a) PURPOSE.—It is the purpose of this section to offset the approximately $82,000,000,000 that has been appropriated from the general fund of the Treasury for Federal-aid highway and mass transit construction projects.

(b) APPROPRIATION OF INTEREST EARNINGS.—On September 30, 1996, there is hereby appropriated from the Highway Trust Fund to the general fund of the Treasury an amount equal to the aggregate amounts of interest credited to the Highway Trust Fund before such date.

Page 13, line 1, strike ''5'' and insert ''6''.

H.R. 1675

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''National Wildlife Refuge Improvement Act of 1996''.

(b) REFERENCES.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or provision of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).

SEC. 2. FINDINGS.

(a) FINDINGS.—The Congress finds the following:

(1) The National Wildlife Refuge System is comprised of over 91,000,000 acres of Federal lands that have been incorporated within 508 individual units located in all 50 States and our territories.

(2) The System was created to conserve fish, wildlife, and other habitats and this conservation mission has been facilitated by providing Americans opportunities to participate in wildlife-dependent recreation, including fishing and hunting, on System lands and to better appreciate the value of and need for fish and wildlife conservation.

(3) The System is comprised of lands purchased not only through the use of tax dollars but also through the sale of Duck Stamps and refuge entrance fees. It is a System paid for by those utilizing it.

(4) On March 25, 1996, the President issued Executive Order 12996 which recognized ''wildlife-dependent recreational activities involving hunting, fishing, wildlife observation and photography, and environmental education and interpretation as priority general public uses of the Refuge System''.

(5) Executive Order 12996 is a positive step in the right direction and will serve as the foundation for the permanent statutory changes made by this Act.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—Section 5 (16 U.S.C. 668ee)—

(1) is redesignated as section 4; and

(2) as so redesignated is amended to read as follows:

''SEC. 4. DEFINITIONS.

''For purposes of this Act:

''(1) The term 'compatible use' means a use that will not materially interfere with or detract from the fulfillment of the purposes of a refuge or the purposes of the System specified in section 4(a)(3), as determined by sound resource management, and based on reliable scientific information.

''(2) The terms 'conserving', 'conservation', 'manage', 'managing', and 'management', when used with respect to fish and wildlife, mean to use, in accordance with applicable Federal and State laws, methods and procedures associated with modern scientific resource programs including protection, research, census, law enforcement, habitat management, propagation, live trapping and transplantation, and regulated taking.

''(3) The term 'Coordination Area' means a wildlife management area that is acquired by the Federal Government and subsequently made available to a State—

''(A) by cooperative agreement between the United States Fish and Wildlife Service and the State fish and game agency pursuant to the Fish and Wildlife Coordination Act (16 U.S.C. 661–666c); or

''(B) by long-term leases or agreements pursuant to the Bankhead-Jones Farm Tenant Act (50 Stat. 525; 7 U.S.C. 1010 et seq.).

''(4) The term 'Director' means the Director of the United States Fish and Wildlife Service.

''(5) The terms 'fish', 'wildlife', and 'fish and wildlife' mean any wild member of the animal kingdom whether alive or dead, and regardless of whether the member was bred, hatched, or born in captivity, including a part, product, egg, or offspring of the member.

''(6) The term 'hunt' and 'hunting' do not include any taking of the American alligator (Alligator mississippiensis) or its eggs.

''(7) The term 'person' means any individual, partnership, corporation or association.

''(8) The term 'plant' means any member of the plant kingdom in a wild, unconfined state, including any plant community, seed, root, or other part of a plant.

''(9) The terms 'purposes of the refuge' and 'purposes of each refuge' mean the purposes specified in or derived from the law, proclamation, executive order, agreement, public land order, donation document, or administrative memorandum establishing, authorizing, or expanding a refuge, refuge unit, or refuge subunit.

''(10) The term 'refuge' means a designated area of land, water, or an interest in land or water within the System, but does not include navigational servitudes, or Coordination Areas.

''(11) The term 'Secretary' means the Secretary of the Interior.

''(12) The terms 'State' and 'United States' mean the several States of the United States, Puerto Rico, American Samoa, the Virgin Islands, Guam, and the insular possessions of the United States.

''(13) The term 'System' means the National Wildlife Refuge System designated under section 4(a)(1).

''(14) The terms 'take', 'taking', or 'taken' mean to pursue, hunt, shoot, capture, collect, or kill, or to attempt to pursue, hunt, shoot, capture, collect, or kill.''.

(b) CONFORMING AMENDMENT.—Section 4 (16 U.S.C. 668dd) is amended by striking ''Secretary of the Interior'' each place it appears and inserting ''Secretary''.

SEC. 4. MISSION AND PURPOSES OF THE SYSTEM.

Section 4(a) (16 U.S.C. 668dd(a)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (5) and (6), respectively;

(2) in clause (i) of paragraph (6) (as so redesignated), by striking ''paragraph (2)'' and inserting ''paragraph (5)''; and

(3) by inserting after paragraph (1) the following new paragraphs:

''(2) The overall mission of the System is to conserve and manage fish, wildlife, and plants and their habitats within the System for the benefit of present and future generations of the people of the United States.

''(3) The purposes of the System are—

''(A) to provide a national network of lands and waters designed to conserve and manage fish, wildlife, and plants and their habitats;

''(B) to conserve, manage, and where appropriate restore fish and wildlife populations, plant communities, and refuge habitats within the System;

''(C) to conserve and manage migratory birds, anadromous or interjurisdictional fish species, and marine mammals within the System;

''(D) to provide opportunities for compatible uses of refuges consisting of fish- and wildlife-dependent recreation, including fishing and hunting, wildlife observation, and environmental education;

''(E) to preserve, restore, and recover fish, wildlife, and plants within the System that are listed or are candidates for threatened species or endangered species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) and the habitats on which these species depend; and

''(F) to fulfill as appropriate international treaty obligations of the United States with respect to fish, wildlife, and plants, and their habitats.''.

SEC. 5. ADMINISTRATION OF THE SYSTEM.

(a) ADMINISTRATION, GENERALLY.—Section 4(a) (16 U.S.C. 668dd(a)) (as amended by section 3 of this Act) is further amended by inserting after new paragraph (3) the following new paragraph:

''(4) In administering the System, the Secretary shall—

''(A) ensure that the mission and purposes of the System described in paragraphs (2) and (3), respectively, and the purposes of each refuge are carried out, except that if a conflict exists between the purposes of a refuge and any purpose of the System, the conflict shall be resolved in a manner that first protects the purposes of the refuge, and, to the extent practicable, that also achieves the purposes of the System;

''(B) provide for conservation of fish and wildlife and their habitats within the System;

''(C) ensure effective coordination, interaction, and cooperation with owners of land adjoining refuges and the fish and wildlife agency of the States in which the units of the System are located;

''(D) assist in the maintenance of adequate water quantity and water quality to fulfill the purposes of the System and the purposes of each refuge;

''(E) acquire under State law through purchase, exchange, or donation water rights that are needed for refuge purposes;

''(F) plan, propose, and direct appropriate expansion of the System in the manner that is best designed to accomplish the purposes of the System and the purposes of each refuge and to complement efforts of States and other Federal agencies to conserve fish and wildlife and their habitats;

''(G) recognize compatible uses of refuges consisting of wildlife-dependent recreational activities involving hunting, fishing, wildlife observation and photography, and environmental education and interpretation as priority general public uses of the System through which the American public can develop an appreciation for fish and wildlife;

''(H) provide expanded opportunities for these priority public uses within the System when they are compatible and consistent with sound principles of fish and wildlife management;

''(I) ensure that such priority public uses receive enhanced attention in planning and management within the System;

''(J) provide increased opportunities for families to experience wildlife-dependent recreation, particularly opportunities for parents and their children to safely engage in traditional outdoor activities, such as fishing and hunting;

''(K) ensure that the biological integrity and environmental health of the System is maintained for the benefit of present and future generations of Americans;

''(L) continue, consistent with existing laws and interagency agreements, authorized or permitted uses of units of the System by other Federal agencies, including those necessary to facilitate military preparedness;

''(M) plan and direct the continued growth of the System in a manner that is best designed to accomplish the mission of the System, to contribute to the conservation of the ecosystems of the United States, and to increase support for the System and participation from conservation partners and the public;

''(N) ensure timely and effective cooperation and collaboration with Federal agencies and State fish and wildlife agencies during the course of acquiring and managing refuges;

''(O) ensure appropriate public involvement opportunities will be provided in conjunction with refuge planning and management activities; and

''(P) identify, prior to acquisition, existing wildlife-dependent compatible uses of new refuge lands that shall be permitted to continue on an interim basis pending completion of comprehensive planning.''.

(b) POWERS.—Section 4(b) (16 U.S.C. 668dd(b)) is amended—

(1) in the matter preceding paragraph (1) by striking ''authorized—'' and inserting ''authorized to take the following actions:'';

(2) in paragraph (1) by striking ''to enter'' and inserting ''Enter'';

(3) in paragraph (2)—

(A) by striking ''to accept'' and inserting ''Accept''; and

(B) by striking '', and'' and inserting a period;

(4) in paragraph (3) by striking ''to acquire'' and inserting ''Acquire''; and

(5) by adding at the end the following new paragraph:

''(4) Subject to standards established by and the overall management oversight of the Director, and consistent with standards established by this Act, enter into cooperative agreements with State fish and wildlife agencies and other entities for the management of programs on, or parts of, a refuge.''.

SEC. 6. COMPATIBILITY STANDARDS AND PROCEDURES.

Section 4(d) (16 U.S.C. 668dd(d)) is amended by adding at the end the following new paragraph:

''(3)(A)(i) Except as provided in clause (ii), on and after the date that is 3 years after the date of the enactment of the National Wildlife Refuge Improvement Act of 1996, the Secretary shall not initiate or permit a new use of a refuge or expand, renew, or extend an existing use of a refuge, unless the Secretary has determined that the use is a compatible use.

''(ii) On lands added to the System after the date of the enactment of the National Wildlife Refuge Improvement Act of 1996, any existing fish or wildlife-dependent use of a refuge, including fishing, hunting, wildlife observation, and environmental education, shall be permitted to continue on an interim basis unless the Secretary determines that the use is not a compatible use.

''(iii) The Secretary shall permit fishing and hunting on a refuge if the Secretary determines that the activities are consistent with the principles of sound fish and wildlife management, are compatible uses, and are consistent with public safety. No other determinations or findings, except the determination of consistency with State laws and regulations provided for in subsection (m), are required to be made for fishing and hunting to occur. The Secretary may make the determination referred to in this paragraph for a refuge concurrently with the development of a conservation plan for the refuge under subsection (e).

''(B) Not later than 24 months after the date of the enactment of the National Wildlife Refuge Improvement Act of 1996, the Secretary shall issue final regulations establishing the process for determining under subparagraph (A) whether a use is a compatible use, that—

''(i) designate the refuge officer responsible for making initial compatibility determinations;

''(ii) require an estimate of the timeframe, location, manner, and purpose of each use;

''(iii) identify the effects of each use on refuge resources and purposes of each refuge;

''(iv) require that compatibility determinations be made in writing and consider the best professional judgment of the refuge officer designated under clause (i);

''(v) provide for the expedited consideration of uses that will likely have no detrimental effect on the fulfillment of the purposes of a refuge or the purposes of the System specified in subsection (a)(3);

''(vi) provide for the elimination or modification of any use as expeditiously as practicable after a determination is made that the use is not a compatible use;

''(vii) require, after an opportunity for public comment, reevaluation of each existing use, other than those uses specified in clause (viii), when conditions under which the use is permitted change significantly or when there is significant new information regarding the effects of the use, but not less frequently than once every 10 years, to ensure that the use remains a compatible use;

''(viii) require after an opportunity for public comment reevaluation of each fish and wildlife-dependent recreational use when conditions under which the use is permitted change significantly or when there is significant new information regarding the effects of the use, but not less frequently than in conjunction with each preparation or revision of a conservation plan under subsection (e) or at least every 15 years;

''(ix) provide an opportunity for public review and comment on each evaluation of a use, unless an opportunity for public review and comment on the evaluation of the use has already been provided during the development or revision of a conservation plan for the refuge under subsection (e) or has otherwise been provided during routine, periodic determinations of compatibility for fish- and wildlife-dependent recreational uses; and

''(x) provide that when managed in accordance with principles of sound fish and wildlife management, fishing, hunting, wildlife observation, and environmental education in a refuge are generally compatible uses.

''(4) The provisions of this Act relating to determinations of the compatibility of a use shall not apply to—

''(A) overflights above a refuge; and

''(B) activities authorized, funded, or conducted by a Federal agency (other than the United States Fish and Wildlife Service) which has primary jurisdiction over the refuge or a portion of the refuge, if the management of those activities is in accordance with a memorandum of understanding between the Secretary or the Director and the head of the Federal agency with primary jurisdiction over the refuge governing the use of the refuge.

''(5) Overflights above a refuge may be governed by any memorandum of understanding entered into by the Secretary that applies to the refuge.''.

SEC. 7. REFUGE CONSERVATION PLANNING PROGRAM.

(a) IN GENERAL.—Section 4 (16 U.S.C. 668dd) is amended—

(1) by redesignating subsections (e) through (i) as subsections (f) through (j), respectively; and

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

''(e)(1)(A) Except with respect to refuge lands in Alaska (which shall be governed by the refuge planning provisions of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.)), the Secretary shall—

''(i) propose a comprehensive conservation plan for each refuge or related complex of refuges (referred to in this subsection as a 'planning unit') in the System;

''(ii) publish a notice of opportunity for public comment in the Federal Register on each proposed conservation plan;

''(iii) issue a final conservation plan for each planning unit consistent with the provisions of this Act and, to the extent practicable, consistent with fish and wildlife conservation plans of the State in which the refuge is located; and

''(iv) not less frequently than 15 years after the date of issuance of a conservation plan under clause (iii) and every 15 years thereafter, revise the conservation plan as may be necessary.

''(B) The Secretary shall prepare a comprehensive conservation plan under this subsection for each refuge within 15 years after the date of enactment of the National Wildlife Refuge Improvement Act of 1996.

''(C) The Secretary shall manage each refuge or planning unit under plans in effect on the date of enactment of the National Wildlife Refuge Improvement Act of 1996, to the extent such plans are consistent with this Act, until such plans are revised or superseded by new comprehensive conservation plans issued under this subsection.

''(D) Uses or activities consistent with this Act may occur on any refuge or planning unit before existing plans are revised or new comprehensive conservation plans are issued under this subsection.

''(E) Upon completion of a comprehensive conservation plan under this subsection for a refuge or planning unit, the Secretary shall manage the refuge or planning unit in a manner consistent with the plan and shall revise the plan at any time if the Secretary determines that conditions that affect the refuge or planning unit have changed significantly.

''(2) In developing each comprehensive conservation plan under this subsection for a planning unit, the Secretary, acting through the Director, shall identify and describe—

''(A) the purposes of each refuge comprising the planning unit and the purposes of the System applicable to those refuges;

''(B) the distribution, migration patterns, and abundance of fish, wildlife, and plant populations and related habitats within the planning unit;

''(C) the archaeological and cultural values of the planning unit;

''(D) such areas within the planning unit that are suitable for use as administrative sites or visitor facilities;

''(E) significant problems that may adversely affect the populations and habitats of fish, wildlife, and plants within the planning unit and the actions necessary to correct or mitigate such problems; and

''(F) the opportunities for fish- and wildlife-dependent recreation, including fishing and hunting, wildlife observation, environmental education, interpretation of the resources and values of the planning unit, and other uses that may contribute to refuge management.

''(3) In preparing each comprehensive conservation plan under this subsection, and any revision to such a plan, the Secretary, acting through the Director, shall, to the maximum extent practicable and consistent with this Act—

''(A) consult with adjoining Federal, State, local, and private landowners and affected State conservation agencies; and

''(B) coordinate the development of the conservation plan or revision of the plan with relevant State conservation plans for fish and wildlife and their habitats.

''(4)(A) In accordance with subparagraph (B), the Secretary shall develop and implement a process to ensure an opportunity for active public involvement in the preparation and revision of comprehensive conservation plans under this subsection. At a minimum, the Secretary shall require that publication of any final plan shall include a summary of the comments made by States, adjacent or potentially affected landowners, local governments, and any other affected parties, together with a statement of the disposition of concerns expressed in those comments.

''(B) Prior to the adoption of each comprehensive conservation plan under this subsection, the Secretary shall issue public notice of the draft proposed plan, make copies of the plan available at the affected field and regional offices of the United States Fish and Wildlife Service, and provide opportunity for public comment.''.

SEC. 8. EMERGENCY POWER; PRESIDENTIAL EXEMPTION; STATE AUTHORITY; WATER RIGHTS; COORDINATION.

(a) IN GENERAL.—Section 4 (16 U.S.C. 668dd) is further amended by adding at the end the following new subsections:

''(k) Notwithstanding any other provision of this Act the Secretary may temporarily suspend, allow, or initiate any activity in a refuge in the System in the event of any emergency that constitutes an imminent danger to the health and safety of the public or any fish or wildlife population, including any activity to control or eradicate sea lampreys, zebra mussels, or any other aquatic nuisance species (as that term is defined in section 1003 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4702)).

''(l)(1) The President may exempt from any provision of this Act any activity conducted by the Department of Defense on a refuge within the System if the President finds that—

''(A) the activity is in the paramount interest of the United States for reasons of national security; and

''(B) there is no feasible and prudent alternative location on public lands for the activity.

''(2) After the President authorizes an exemption under paragraph (1), the Secretary of Defense shall undertake, with the concurrence of the Secretary of the Interior, appropriate steps to mitigate the effect of the exempted activity on the refuge.

''(m) Nothing in this Act shall be construed to authorize the Secretary to control or regulate hunting or fishing of fish and resident wildlife on lands or waters not within the System.

''(n) Nothing in this Act shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations in any area within the System. Regulations permitting hunting or fishing of fish and resident wildlife within the System shall be, to the extent practicable, consistent with State fish and wildlife laws, regulations, or management plans.

''(o)(1) Nothing in this Act shall—

''(A) create a reserved water right, express or implied, in the United States for any purpose;

''(B) affect any water right in existence on the date of enactment of the National Wildlife Refuge Improvement Act of 1996; or

''(C) affect any Federal or State law in existence on the date of the enactment of the National Wildlife Refuge Improvement Act of 1996 regarding water quality or water quantity.

''(2) Nothing in this Act shall diminish or affect the ability to join the United States in the adjudication of rights to the use of water pursuant to the McCarran Act (43 U.S.C. 666).

''(p) Coordination with State fish and wildlife agency personnel or with personnel of other affected State agencies pursuant to this Act shall not be subject to the Federal Advisory Committee Act.''.

(b) CONFORMING AMENDMENT.—Section 4(c) (16 U.S.C. 668dd(c)) is amended by striking the last sentence.

SEC. 9. STATUTORY CONSTRUCTION.

Nothing in this Act is intended to affect—

(1) the provisions for subsistence uses in Alaska set forth in the Alaska National Interest Lands Conservation Act (Public Law 96–487), including those in titles III and VIII of that Act;

(2) the provisions of section 102 of the Alaska National Interest Lands Conservation

Act, the jurisdiction over subsistence uses in Alaska, or any assertion of subsistence uses in the Federal courts; and

(3) the manner in which section 810 of the Alaska National Interest Lands Conservation Act is implemented in refuges in Alaska, and the determination of compatible use as it relates to subsistence uses in these refuges.

SEC. 10. NEW REFUGES.

Notwithstanding any other provision of law, no funds may be expended from the Land and Water Conservation Fund established by Public Law 88–578, for the creation of a new refuge within the National Wildlife Refuge System without specific authorization from Congress pursuant to recommendation from the United States Fish and Wildlife Service, to create that new refuge.

SEC. 11. REORGANIZATIONAL TECHNICAL AMENDMENTS.

(a) REORGANIZATIONAL AMENDMENTS.—The Act of October 15, 1966 (16 U.S.C. 668dd et seq.) is amended—

(1) by adding before section 4 the following new section:

"SECTION 1. SHORT TITLE.

''This Act may be cited as the 'National Wildlife Refuge System Administration Act of 1966'.'';

(2) by striking sections 6, 7, 8, 9, and 10; and

(3) in section 4 (16 U.S.C. 668dd), as in effect immediately before the enactment of this Act—

(A) by redesignating that section as section 2;

(B) by striking ''SEC. 4.''; and

(C) by inserting before and immediately above the text of the section the following new heading:

"SEC. 4. NATIONAL WILDLIFE REFUGE SYSTEM.".

(b) CONFORMING AMENDMENT.—Section 12(f) of the Act of December 5, 1969 (83 Stat. 283) is repealed.

(c) REFERENCES.—Any reference in any law, regulation, or other document of the United States to section 4 of the National Wildlife Refuge System Administration Act of 1966 is deemed to refer to section 2 of that Act, as redesignated by subsection (a)(4) of this section.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

Vol. 142 WASHINGTON, TUESDAY, APRIL 16, 1996 No. 48

Senate

The Senate met at 9:45 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by Bishop Kenneth Ulmer, of the Faithful Central Missionary Baptist Church in Los Angeles, CA.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Dr. Kenneth C. Ulmer, offered the following prayer:

O God our help in ages past; our strength, our hope, our joy for years to come. Father, we give You thanks and praise for the consistency of Your faithfulness. Morning by morning You have showered us with new mercies and new expressions of Your grace, and for that we say thank You. As Jehovah Shalom You have given us Your peace in a world of confusion. As Jehovah Jireh You have provided us with the riches of Your grace and mercy. As Jehovah Rohi, You have been the great shepherd of this Nation. Lord, give us the ability to acknowledge the possibility of our own error, patience that we might listen to opposing opinions, and wisdom to learn from one another. Give us honesty that we might speak the truth in love and strength that we might not falter in the quest for truth and justice. Keep us humbled by the limitations of our own perspectives and encouraged by the magnitude of divine vision. When the tensions of our democracy would tend to divide us, keep us constantly aware of Your omnipotent ability to make us one as we celebrate the diversity within our unity. May we sense the sacredness of our call to leadership. O God, may integrity and uprightness preserve this Nation. As we faithfully serve its people may we so faithfully serve You. In the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the Senator from Mississippi, Senator LOTT, is recognized.

Mr. LOTT. I thank the President pro tempore. It is a pleasure to see the President pro tempore.

GREETING BISHOP KENNETH C. ULMER

Mr. LOTT. Mr. President, I am proud to extend the greetings of the Senate today to Bishop Kenneth Ulmer from Los Angeles, who delivered the morning prayer. Our Chaplain, Dr. Ogilvie, tells me he is one of the truly great emerging spiritual leaders of our Nation. Since his arrival 12 years ago at the Faithful Central Missionary Baptist Church, where Bishop Ulmer occupies the pulpit, the congregation has grown from one of 325 to one of over 3,500. Bishop Ulmer is recognized as one of California's most respected voices in promoting positive relationships between people of all races and backgrounds.

He is a member of the California attorney general's policy council on violence prevention and a member of the board of directors of the Rebuild Los Angeles Committee. I know all Senators join me in thanking Bishop Ulmer for joining us this morning.

SCHEDULE

Mr. LOTT. Mr. President, for the information of all Senators, this morning the Senate will conduct a period for morning business until 10:45 a.m., with Senator GRASSLEY to speak for up to 15 minutes and Senator HATCH for up to 45 minutes.

Following morning business, the Senate will resume consideration of the illegal immigration bill and the pending amendments. The yeas and nays are ordered on several of these amendments; however, those votes will not occur prior to the scheduled vote at 2:15.

As a reminder, at 2:15 p.m. today, there will be a cloture vote on the motion to proceed to the Whitewater resolution. The Senate will recess from the hours of 12:30 p.m., to 2:15 p.m. for the weekly policy conferences to meet. The Senate can expect rollcall votes to occur throughout the session today in order to make progress on the pending illegal immigration bill.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. INHOFE). Under the previous order, there will now be a period for morning business.

The Senator from Iowa is recognized for 15 minutes.

Mr. GRASSLEY. Mr. President, before I speak, I ask unanimous consent to yield to Senator THURMOND for the purpose of introducing bills without it cutting into my time.

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

Mr. THURMOND. I thank the able Senator very much.

(The remarks of Mr. THURMOND pertaining to the introduction of S. 1672 and S. 1673 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 1674 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

COMMANDER STUMPF

Mr. GRASSLEY. Mr. President, I want to speak on a subject that I have spoken before. This is the issue of the promotion of Navy Comdr. Robert Stumpf and his promotion to the rank of captain. This promotion has been denied by the Armed Services Committee. It was denied because of his suspected involvement in inappropriate behavior at the Tailhook convention.

I support the committee's decision to deny the promotion. I have spoken on this matter several times. Since my last speech, I have had a letter from Commander Stumpf's attorney. The attorney's name is Mr. Charles W. Gittins. Mr. Gittins thinks that the facts are the issue here. Of course, I disagree. In my mind, the facts are not at issue.

What do the facts mean? It is the answer to the question that gets Commander Stumpf in hot water.

Mr. President, I ask unanimous consent to have printed in the RECORD Mr. Gittins' letter to me.

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

WILLIAMS & CONNOLLY,
Washington, DC, April 4, 1996.

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: I am writing on behalf of my client, Commander Robert E. Stumpf, USN, who was the subject of your March 16, 1996 floor speech in the Senate. I applaud you for asking the five questions relevant to whether Commander Stumpf should be promoted because it is apparent that your colleagues have lost sight of those important attributes in the political infighting over Bob Stumpf's promotion.

Had you researched the answers to the five questions that you ''asked'', and put the answers as well as the questions in the Congressional Record, I am sure that you would have embarrassed your colleagues with the truth. Moreover, I am sure that if you had researched the answers before you went to the floor to give the speech, your speech would have been one of unequivocal support for Commander Stumpf's promotion.

Your first question, like the rest, can be answered by reference to the official records of the Court of Inquiry as well as by reference to Commander Stumpf's Official Military Personnel File. Commander Stumpf's record is clearly among the finest in the Navy. Two Navy Captain selection boards now have selected Commander Stumpf for promotion to Captain. In order to do so, the Boards were required to find that Commander Stumpf was among those ''best qualified'' from among those officers who the board found were ''fully qualified.'' Further, Commander Stumpf's performance in combat, illuminated by the many citations for bravery and heroism awarded him by the United States, abundantly proves that the promotion boards were correct in their judgment of Commander Stumpf's performance.

Your second question, concerning leadership and discipline, are equally well answered by the Navy's official records. All you needed to do was read them. Commander Stumpf was described by senior officers who testified at his Court of Inquiry as ''among the finest leaders that they have had the opportunity to work with.'' In this regard, you may wish to read the testimony of Vice Admiral Kihune and Rear Admiral McGowan, two officers with personal and daily observation of Commander Stumpf in positions of responsibility. You may also wish to read the statement of Captain Dennis Gillespie, USN, Commander Stumpf's commander in combat during Desert Storm. Commander Stumpf's leadership was nowhere more vigorously tested than in combat, where he personally led 9 carrier air wing airstrikes without losing a single aircraft. Discipline? How much discipline does it take to fly a combat aircraft at 500 miles an hour into the face of anti-aircraft fire and surface to air missiles while still managing to put bombs on target. I submit that there is no greater demonstration of discipline.

Does Commander Stumpf set a good example? If not, why was Commander Stumpf chosen to lead the Blue Angels in the first place? The singular purpose of the Blue Angels is to provide a good example of the Navy for public consumption. Perhaps you saw Commander Stumpf perform at the airshow in Iowa. If so, you could not help but be impressed with the example Commander Stumpf sets. The fact that he was returned to command of the Blue Angels by the Navy even after he was subjected to an embarrassing Navy Court of Inquiry speaks volumes about the type example Commander Stumpf sets. Moreover, his press conference following the Court's decision made clear Commander Stumpf's agenda—at that press conference Commander Stumpf said he would thereafter take no more questions about Tailhook. His job was to ''make the Navy look good. And that what [he] intend[ed] to do''

Your question four is self-evident by Commander Stumpf's performance in combat. How many leaders who flew 22 combat missions can say that they brought back every plane that they started the mission with? Moreover, the junior officers who testified for the government, pursuant to grants of testimonial and transactional immunity, each stated unequivocally that Commander Stumpf was an outstanding role model, one who was universally recognized as superior throughout the Navy and the strike-fighter community, and one they would gladly follow into combat. There simply is no higher praise for a military officer. There has never been any evidence adduced, in the Committee, in the Court of Inquiry, or in subsequent reviews conducted by the Navy or the Committee, that Commander Stumpf is anything but an outstanding role model.

Finally, Commander Stumpf has over and over throughout his career proven his integrity. Commander Stumpf has been forthcoming about Tailhook and his involvement therein. The Secretary of the Navy personally questioned Commander Stumpf closely on these issues and determined that Commander Stumpf was not culpable for any misconduct, either by him or his subordinates, at Tailhook. Secretary Dalton confirmed that Commander Stumpf was ''appropriately selected for promotion and that he should be promoted.'' Until you raised the question of Commander Stumpf's integrity, there has never been any insinuation that Commander Stumpf was other than forthright and honest in all of his dealings throughout his Navy career. If you have specifics in mind, please feel free to communicate them to me. I will be glad to have Commander Stumpf respond.

If your five questions are the measuring stick that the Senate intends to follow on all future officer nominations, I applaud your standard. If you intend to apply that standard to Commander Stumpf, it would do you and your colleagues well to actually read the records before you draw conclusions about Commander Stumpf, or any other officer who presents to the Committee or the Senate similarly situated.

What has diminished the credibility of the Committee and the Senate with the public in Commander Stumpf's case is ignorance of, or intentional lack of familiarity with, the unalterable fact that Commander Stumpf did not conduct himself in any way inappropriately at the 1991 Tailhook Symposium. That is a fact that cannot be ignored, even on the floor of the United States Senate.

Sincerely,

CHARLES W. GITTINS.

Mr. GRASSLEY. I am opposed to what Commander Stumpf and his attorney are doing for three reasons. First, they want us to believe that this is a legal issue. Commander Stumpf seems to have the mistaken notion that a promotion to captain in the Navy is an inalienable right.

He sees the committee erecting a barrier between himself and that right. So he has hired a fancy lawyer to reclaim that right under the law.

Well, sadly, I am afraid that Commander Stumpf may be in for a big disappointment. As Senator NUNN put it, ''It is well known that nomination proceedings are not criminal trials. They are not formal evidentiary proceedings.''

A promotion is not guaranteed under the law. In fact, as we all know, it must be earned, and not only earned, but confirmed by the Senate.

This, Mr. President, brings me to my second point. Each Senator must make a subjective judgment about a candidate's character. We have to examine the entire record, and then we have to pick and choose.

Sadly, Commander Stumpf and his lawyer somehow believe that the Senate should not sit in judgment of a nominee's character. Two Navy captain selection boards and Secretary of the Navy Dalton decided that Commander Stumpf should be promoted. End of the story for them. The Senate should somehow butt out.

Again, Senators NUNN and COATS have laid this misguided idea to rest. They put it this way: ''The Senate has a constitutional responsibility to give advice and consent on military promotions.''

That is our constitutional duty. We look at the evidence, and we make judgment calls. We know it is not an exact science. It is an imperfect system, but most of the time it seems to work.

This brings me to the third source of my concern. Those who are pushing the Stumpf promotion want us to think he is a victim of political correctness. Mr. President, that is pure, 100 percent, grade-A, Navy baloney. I happen to believe that Commander Stumpf's problems run much deeper than that. They go right to the core of his character. His behavior at the 1991 Tailhook convention raises questions about his ability to lead.

Mr. President, I am not holding Commander Stumpf to some arbitrary standard dreamed up by this Senator. I am holding him to the military's own standards.

The military standards are laid out in a document entitled ''Military Leadership, Field Manual 22–100.'' Those principles are described on pages 5 through 8 of the document. This is an exact quote from the document:

No aspect of leadership is more powerful than setting a good example.

So, Mr. President, I feel obliged to ask this very simple question: Did Commander Stumpf set a good example at Tailhook? A former Naval officer, writing in the Washington Times recently, answered that question. I want to quote directly from the April 1, 1996, article:

Officers throughout the Navy—particularly Naval aviators like Commander Stumpf—were well aware that the Tailhook convention had become an increasingly grotesque event before it finally suffered public scrutiny in 1991.

That Commander Stumpf finds himself having been caught in the fallout is a result of the poor judgment he showed in participating when many of his contemporaries had stopped doing it years before.

That says it all, Mr. President.

Commander Stumpf's behavior also raises questions about his willingness to accept responsibility. The military leadership manual states that a leader must do two things: First, seek responsibility and, second, take responsibility for his or her actions. By seeking and accepting responsibility, a leader can build trust within his or her military unit.

Clearly, Commander Stumpf is eagerly and aggressively seeking greater responsibility. He has an aggressive lobbying campaign going to get himself promoted. He is doing a good job of that lobbying.

Unfortunately, he is not very good at accepting criticism for his past mistakes. It seems like he is trying to evade responsibility.

Commander Stumpf claims he did not witness the really obscene behavior at his squadron's Tailhook party. It happened after he left, and if he did not see it, he is not responsible, so he claims. Commander Stumpf's ship ran aground when he was not on the bridge. That is what he wants us to believe. He wants us to believe that his junior officers are to blame. In effect, he is saying that.

Commander Stumpf's reasoning is flawed, and it is inconsistent with naval tradition and leadership and the responsibility that is placed on leaders in the military manual. The ship's captain is always responsible if the ship runs aground.

When something like this happens, the manual says a leader should never try to evade responsibility by blaming others. When a commander tries to shift the blame to others, the manual says that undermines trust and respect within any military organization. Evading responsibility is not the sign of a topnotch military commander.

When Commander Stumpf first got in hot water, he should have acknowledged his mistake and taken corrective action.

Mr. President, Commander Stumpf needs to face the music and take responsibility for his actions.

I ask unanimous consent to have that part of the manual printed in the RECORD.

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

THE PRINCIPLES OF LEADERSHIP

The 11 principles of Army leadership are excellent guidelines and provide the cornerstone for action. They are universal and represent fundamental truths that have stood the test of time. Developed in a 1948 leadership study, the principles were first included in leadership doctrine in 1951. Use these principles to assess yourself and develop an action plan to improve your ability to lead. Examples throughout this manual give you ideas of how to apply these principles. Here is an explanation of each of the leadership principles.

KNOW YOURSELF AND SEEK SELF-IMPROVEMENT

To know yourself, you have to understand who you are and to know what your preferences, strengths, and weaknesses are. Knowing yourself allows you to take advantage of your strengths and work to overcome your weaknesses. Seeking self-improvement means continually developing your strengths and working on overcoming your weaknesses. This will increase your competence and the confidence your soldiers have in your ability to train and lead.

BE TECHNICALLY AND TACTICALLY PROFICIENT

You are expected to be technically and tactically proficient at your job. This means that you can accomplish all tasks to standard that are required to accomplish the wartime mission. In addition, you are responsible for training your soldiers to do their jobs and for understudying your leader in the event you must assume those duties. You develop technical and tactical proficiency through a combination of the tactics, techniques, and procedures you learn while attending formal schools (institutional training), in your day-to-day jobs (operational assignments), and from professional reading and personal study (self-development).

SEEK RESPONSIBILITY AND TAKE RESPONSIBILITY FOR YOUR ACTIONS

Leading always involves responsibility. You want subordinates who can handle responsibility and help you perform your mission. Similarly, your leaders want you to take the initiative within their stated intent. When you see a problem or something that needs to be fixed, do not wait for your leader to tell you to act. The example you set, whether positive or negative, helps develop your subordinates. Our warfighting doctrine requires bold leaders at all levels who exercise initiative, are resourceful, and take advantage of opportunities on the battlefield that will lead to victory. When you make mistakes, accept just criticism and take corrective action. You must avoid evading responsibility by placing the blame on someone else. Your objective should be to build trust between you and your leaders as well as between you and those you lead by seeking and accepting responsibility.

MAKE SOUND AND TIMELY DECISIONS

You must be able to rapidly assess situations and make sound decisions. If you delay or try to avoid making a decision, you may cause unnecessary casualties and fail to accomplish the mission. Indecisive leaders create hesitancy, loss of confidence, and confusion. You must be able to anticipate and reason under the most trying conditions and quickly decide what actions to take. Here are some guidelines to help you lead effectively:

Gather essential information before making your decisions.

Announce decisions in time for your soldiers to react. Good decisions made at the right time are better than the best decisions made too late.

Consider the short- and long-term effects of your decisions.

SET THE EXAMPLE

Your soldiers want and need you to be a role model. This is a heavy responsibility, but you have no choice. No aspect of leadership is more powerful. If you expect courage, competence, candor, commitment, and integrity from your soldiers, you must demonstrate them. Your soldiers will imitate your behavior. You must set high, but attainable, standards, be willing to do what you require of your soldiers, and share dangers and hardships with your soldiers. Your personal example affects your soldiers more than any amount of instruction or form of discipline. You are their role model.

KNOW YOUR SOLDIERS AND LOOK OUT FOR THEIR WELL-BEING

You must know and care for your soldiers. It is not enough to know their names and hometowns. You need to understand what makes them ''tick'' and learn what is important to them in life. You need to commit time and effort to listen to and learn about your soldiers. When you show genuine concern for your troops, they trust and respect you as a leader. Telling your subordinates you care about them has no meaning unless they see you demonstrating care. They assume that if you fail to care for them in training, you will put little value on their lives in combat. Although slow to build, trust and respect can be destroyed quickly.

If your soldiers trust you, they will willingly work to help you accomplish missions. They will never want to let you down. You must care for them by training them for the rigors of combat, taking care of their physical and safety needs when possible, and disciplining and rewarding fairly. The bonding that comes from caring for your soldiers will sustain them and the unit during the stress and chaos of combat.

KEEP YOUR SUBORDINATES INFORMED

American soldiers do best when they know why they are doing something. Individual soldiers have changed the outcome of battle using initiative in the absence of orders. Keeping your subordinates informed helps them make decisions and execute plans within your intent, encourages initiative, improves teamwork, and enhances morale. Your subordinates look for logic in your orders and question things that do not make sense. They expect you to keep them informed and, when possible, explain reasons for your orders.

DEVELOP A SENSE OF RESPONSIBILITY IN YOUR SUBORDINATES

Your subordinates will feel a sense of pride and responsibility when they successfully accomplish a new task you have given them. Delegation indicates you trust your subordinates and will make them want even more responsibility. As a leader, you are a teacher and responsible for developing your subordinates. Give them challenges and opportunities you feel they can handle. Give them more responsibility when they show you they are ready. Their initiative will amaze you.

ENSURE THE TASK IS UNDERSTOOD, SUPERVISED, AND ACCOMPLISHED

Your soldiers must understand what you expect from them. They need to know what you want done, what the standard is, and

when you want it done. They need to know if you want a task accomplished in a specific way. Supervising lets you know if your soldiers understand your orders; it shows your interest in them and in mission accomplishment. Oversupervision causes resentment and undersupervision causes frustration.

When soldiers are learning new tasks, tell them what you want done and show how you want it done. Let them try. Watch their performance. accept performance that meets your standards; reward performance that exceeds your standards; correct performance that does not meet your standards. Determine the cause of the poor performance and take appropriate action.[1] When you hold subordinates accountable to you for their performance, they realize they are responsible for accomplishing missions as individuals and as teams.

BUILD THE TEAM

Warfighting is a team activity. You must develop a team spirit among your soldiers that motivates them to go willingly and confidently into combat in a quick transition from peace to war. Your soldiers need confidence in your abilities to lead them and in their abilities to perform as members of the team. You must train and cross train your soldiers until they are confident in the team's technical and tactical abilities. Your unit becomes a team only when your soldiers trust and respect you and each other as trained professionals and see the importance of their contributions to the unit.

EMPLOY YOUR UNIT IN ACCORDANCE WITH ITS CAPABILITIES

Your unit has capabilities and limitations. You are responsible to recognize both of these factors. Your soldiers will gain satisfaction from performing tasks that are reasonable and challenging but will be frustrated if tasks are too easy, unrealistic, or unattainable. Although the available resources may constrain the program you would like to implement, you must continually ensure your soldiers' training is demanding. Apply the battle focus process to narrow the training program and reduce the number of vital tasks essential to mission accomplishment. Talk to your leader; decide which tasks are essential to accomplish your warfighting mission and ensure your unit achieves Army standards on those selected. Battle focus is a recognition that a unit cannot attain proficiency to standard on every task, whether due to time or other resource constraints. Do your best in other areas to include using innovative training techniques and relooking the conditions under which the training is being conducted, but do not lower standards simply because your unit appears unable to meet them. Your challenge as a leader is to attain, sustain, and enforce high standards of combat readiness through tough, realistic multiechelon combined arms training designed to develop and challenge each soldier and unit.

SUMMARY

The factors and principles of leadership will help you accomplish missions and care for soldiers. They are the foundation for leadership action.

The factors of leadership are always present and affect what you should do and when you should do it. Soldiers should not all be led in the same way. You must correctly assess soldiers' competence, commitment, and motivation so that you can take the right leadership actions. As a leader, you must know who you are, what you know, and what you can do so that you can discipline yourself and lead soldiers effectively. Every leadership situation is unique. What worked in one situation may not work in another. You must be able to look at every situation and determine what action to take. You influence by what you say, write, and, most importantly, do. What and how you communicate will either strengthen or weaken the relationship between you and your subordinates.

The principles of leadership were developed by leaders many years ago to train and develop their subordinates. The principles have stood the test of time and the foremost test—the battlefield. Use the principles to assess how you measure up in each area and then develop a plan to improve your ability to lead soldiers.

[1] Kenneth H. Blanchard and Keith L. Kettler, ''A Suitable Approach to Leader Development.''

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

MEASURE PLACED ON THE CALENDAR—H.R. 3103

Mr. HATCH. Mr. President, I understand there is a bill due for its second reading.

The PRESIDING OFFICER. The Senator is correct.

The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (H.R. 3103) to amend the Internal Revenue Code of 1986 to improve portability and continuity of health insurance coverage in the group and individual markets, to combat waste, fraud, and abuse in health insurance and health care delivery, to promote the use of medical savings accounts, to improve access to long-term care services and coverage, to simplify the administration of health insurance, and for other purposes.

Mr. HATCH. Mr. President, I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

SOCIAL POLICY AND CIVIL RIGHTS

Mr. HATCH. Mr. President, I wish to continue the discussion about social policy and civil rights I began a short time ago.

Mr. President, I support the vigorous and sensible enforcement of our civil rights laws and make whole relief for the victims of discrimination. I support affirmative action involving outreach and recruitment. I support training and assistance open to all who are seeking to enhance their ability to compete, without regard to race, ethnicity, or gender. I oppose preferences in the award of benefits or impositions of penalties based in whole or in part on race, ethnicity, or gender.

Opposition to preferences should not be a device used, however inadvertently, to ignore the particular problems resulting from the legacy of prior and ongoing discrimination. Nor should opposition to preferences be used to weaken the kind of affirmative outreach and recruitment I mentioned earlier.

Conversely, I reject the cynical use of the affirmative action label as a means of throwing a protective shield over preferences, as President Clinton and his administration have repeatedly done.

This administration has pursued a pervasive policy of preference. The President's actions speak louder than his words. The Clinton administration has repeatedly cast its lot not on the side of equal opportunity for all Americans, but on the side of racial, gender, and ethnic preferences and equal results for groups.

Indeed, I find both President Clinton's July 19, 1995, speech on this issue and his administration's review of this issue an artful dodge of the real issues and a vigorous assault on the principle of equal opportunity for all Americans.

In his frequently gauzy July 19 speech, President Clinton never came to grips with the details of affirmative action preferences. He also repeats some false dichotomies long used by other tenacious defenders of preferences. He ignores the variety of ways preferences operate, and are defended, even under his own administration.

Moreover, he defines affirmative action with a combination of breadth and vagueness, allowing him to dodge the tough issues. He does not understand that preferences are not only wrong, they are terribly divisive.

Columnist Robert J. Samuelson has written:

The essence of Clinton-speak is that the president is often saying the opposite of what he is doing. On affirmative action, he deplores those ''who play politics with the issue . . . and divide the country.'' Yet, that describes Clinton exactly. His eager embrace of affirmative action guarantees that it will foment racial and gender rancor.

That was from the Washington Post of August 9, 1995.

He treats the web of local, State and Federal bureaucratic, legislative, and judicial rules and policies requiring the cause of preferences as if they were minor aberrations or barely in existence. They have, in fact, grown over the years, including under his policies.

For example, he claims that sometimes employers abuse the concept—as if local, State, and Federal governments have not been breathing down many employers' necks—playing the numbers game, pressuring and requiring consideration of race, ethnicity, and gender in their employment practices. Indeed, his administration has recently issued guidance concerning Federal employment which provides a shocking, broad-based series of rationales for preferences.

Moreover, the President, in my view, gives too much credit to affirmative action for progress in this country. The enactment and enforcement of antidiscrimination laws, a decrease in prejudice, and economic forces, in my view, have clearly played very important roles in such progress. Even his own task force admits, at least: ''It is very difficult * * * to separate the contribution of affirmative action from the contribution of antidiscrimination enforcement, decreasing prejudice, rising incomes and other forces.''

The four directives he has issued to his agencies are largely misleading or irrelevant, especially in light of his administration's overall actions. The President says, ''No quotas in theory or practice * * *'' but he supports a so-called flexible goal.

It is preferences we must oppose, however, not the label for one of the forms of preference. And the Clinton administration has strongly fostered preferences in various ways, as I will explain shortly, sometimes making use of numbers and sometimes not. Indeed, his administration has fostered outright quotas.

With respect to numerical objectives, whether they are labeled goals and timetables or quotas, the harm that occurs is the exercise of preference based on race, ethnicity, gender, or otherwise. It is such preference that is wrong, rather than the precise label we place on the mechanism of preference.

I think it is helpful to conceptualize the numbers approach as functioning along a continuum. At one end, the equal opportunity end, there is the requirement not to discriminate on the basis of irrelevant characteristics, the requirements to review selection processes to ensure that there is no bias and to recruit widely—and no numerical objective. At the other end is a requirement that does one of two things. First, it either establishes separate lists of those at least minimally qualified, based on race or gender, with alternate selection from these lists until a certain percentage is met, regardless of the relative rankings that would exist on a single list. Or, the requirement simply defines equal opportunity as essentially the proportional representation of various groups, and mandates or permits race or gender conscious selection procedures in order to meet that objective.

In between these two ends are various levels of coercive authority and sanctions that require or strongly encourage the use of preference. Thus, somewhere between these two opposites might be what is euphemistically described as a ''flexible goal and timetable.'' In fact, this differs little, as a practical matter, from what is otherwise known as a quota, except in the lack of explicitly separate lists. It might be that an employer is pressured to reach a certain percentage of designated groups in his work force over a period of time without the explicit creation of separate lists. Sanctions remain available, lurking not far in the background. If an employer or school believes that the failure to meet a goal will result in increased oversight, paperwork, and required explanations; the threat of contract debarment, loss of Federal aid, or a lawsuit by individuals, advocacy groups or the Government hanging overhead; or a contempt motion pursuant to a court order which is already in place, then the employer or school is going to try to meet that number, regardless of who is best qualified. If an employer or school does not believe that the Government intends for the number to be reached, they would have to ask, why did the Government put the number out there? If equal opportunity alone is all that is required, the Government can require that such opportunity be afforded without setting any numerical requirement. I also note that, when race, ethnicity, or gender is used as only one factor in a decision to hire, and that one factor tips the decision in favor of one person and against another, that is discrimination, that is a preference.

Thus, while some numerical objectives may be somewhat less coercive than others, they are no less objectionable. At best, we are speaking of matters of degree, not of kind. The Clinton Administration makes full use of the range of preferences.

President Clinton next says, ''no illegal discrimination of any kind including reverse discrimination.'' Mr. President, this is clearly a verbal slight of hand. The President never defined reverse discrimination. As the President and his legal advisors well know, the courts and executive bureaucracies, regrettably, have deemed a variety of reverse discrimination—preferences—as legal. His own task force, for example, speaks approvingly of the Supreme Court's 1979 Weber decision. That decision permits reverse discrimination in an employer's training program under title VII. The Weber decision is a crucial part of the reverse discrimination edifice in this country. So the President favors reverse discrimination under the name of affirmative action, at least so long as a court anywhere, or a bureaucrat, says its acceptable or might possibly say its acceptable. The congressional testimony, courtroom legal arguments, and policy guidance of his Justice Department amply confirm this.

Indeed, his own administration has vigorously sought to expand the rationales for permitting reverse discrimination. Let us not forget: the Clinton administration was on the losing side in the Supreme Court's 1995 Adarand case. The Clinton administration argued for a double standard based on race and ethnicity in the Federal Government's award of contracts and in Federal Government policy generally. President Clinton managed to omit that fact from his July 19, 1995, speech. President Clinton defended his administration's outrageous defense of racial preferences in layoffs in the Piscataway case.

Next comes the President's clumsiest and most transparent cynicism: ''no preference for people who are not qualified for any job or other opportunity.'' This is a longstanding dodge by the ardent defenders of preference and reverse discrimination. Of course, the problem with preferential policies is that they favor the lesser qualified over the better qualified.

Finally, the President says, as soon as ''the [particular affirmative action] program has succeeded it must be retired.'' We have heard that for at least 25 years. What does the President mean by an affirmative action program succeeding? He does not say, directly. But a careful review of his speech, his task force's rationale for affirmative action, including preferences, and his Justice Department guidance, makes it clear—he does not mean equal opportunity for individuals. The repeated reference, as justification for affirmative action, to various statistical disparities makes clear that affirmative action succeeds in this administration when equality of result—proportionality—has been reached. Indeed, his Justice Department's February 29, 1996 guidance to Federal agencies justifying preferences and reverse discrimination in Federal employment authorizes those agencies to maintain proportionality almost continually.

Despite misleading disclaimers, that memorandum is a wide-ranging defense not only of reverse discrimination well beyond current Supreme Court precedent. It is a thinly veiled defense of quota hiring.

I should also point out that President Clinton takes the Adarand decision as if it is the final guidance on preferences. It is not. His own task force knows better: ''The Court's decision concerned what is constitutionally permissible, which is a necessary but not sufficient consideration in judging whether a measure is a wise public policy.'' There is the question of what is right. In my view, if a business has been discriminated against by a government entity, it should have a remedy. But to prefer another business because it is owned by a member of the same group, over an innocent business owner who belongs to a different group, is wrong.

If one believes that rights inhere in individuals, not in groups, one has to oppose this latter type of program, a contract preference based on race, ethnicity, or gender. The Clinton administration celebrates it. Just listen to the Clinton task force's rationalization: race-conscious contract procurement programs ''cause only a minor diminution of opportunity for non-minority firms. In that respect, current programs are balanced and equitable in the large.'' So much for individual rights. So much for equal opportunity for every individual. No reasonable person would accept such a rationale if the victims were minority firms, and properly so.

The Clinton administration should tell Tom Stewart of Spokane, WA, who testified before the Senate Judiciary Constitution Subcommittee, that contract preferences generally cause only minor loss of opportunity. His guardrail firm has lost $10 to $15 million over 15 years because of preferences—reverse discrimination to anyone else but this President and other defenders of preference and reverse discrimination. Mr. Stewart has numerous letters from prime contractors saying he was low

bidder but could not be retained because of set-aside requirements—the preferences, if you will.

Or tell it to Lance McKinney, the president of Atherton Construction Co. of Salt Lake City, UT, who was not even permitted to bid on certain contracts because of his race. These requirements are far more pervasive in local, State, and Federal governments than the President admits. Even one contract lost because of race is one too many, but the Clinton administration breezily understates the scope of the problem.

The President condescendingly tries to bundle off concern about preferences and reverse discrimination to economic uncertainty in the white middle class. The President thinks the real problems with racial, ethnic, and gender set-asides are those of fronts and fraud. President Clinton just does not get it. He is out of touch with mainstream America. The real problem with racial, ethnic, and gender preferences, including in contract awards, is that they are fundamentally unfair. Preferences and reverse discrimination should be ended, not tinkered with.

The principle of equal opportunity demands that we avoid new forms of discrimination. We must not create new victims of discrimination in the name of affirmative action—something the President's own administration has, in the large, fostered and defended.

Ted Van Dyk, a former assistant to Vice President Hubert Humphrey has written:

> The civil-rights fighters of the 1950s and early 1960s can only be shocked that the more recent Democrats, including the president, have taken that struggle for opportunity and transformed it into an attempt at guaranteed outcomes. Hence the official and unofficial, gender and ethnic quotas imposed in staffing the administration.

Mr. Van Dyk has also noted—and keep in mind he was former assistant to Vice President Hubert Humphrey, who helped to write the act of 1964.

Mr. Van Dyk has also noted,

> Affirmative action was intended as nothing more than a late footnote to central civil rights and social legislation of the early and mid-1960s meant to remove from American life discrimination against—or for—any person or group. The objective of a generation of civil-rights fighters of all races and colors had been to give every American an equal chance at the starting line—but not a guaranteed outcome at the finish line.
>
> My old boss Hubert Humphrey, principal sponsor of the 1964 Civil Rights Act, made clear during congressional debate that quotas, racial preferences, set-asides and other discriminatory measures were totally at odds with the justice sought through the act. Title VII of the act, in fact, explicitly bans preferences by race, gender, ethnicity and religion.
>
> No one could have predicted then that affirmative action would be transformed into a quasi-entitlement or that well-meaning next-generation leaders, including President Clinton and Hillary Rodham Clinton, would insist on rigid racial, gender and ethnic quotas in filling federal appointments.

These quotes are from the Washington Post, March 9, 1995 edition.

The Washington Post of September 1, 1995, reports:

> A divided Montgomery County School Board has refused to overturn a school system decision denying two Asian kindergartners admission into a French immersion program because the transfer would upset the ethnic balance at their neighborhood elementary school.

Only after a public uproar was this particular denial overturned. How does the President feel about this general policy? Will his administration enforce equal opportunity in the Montgomery County schools?

The Washington Post of October 30, 1995, reported:

> Principal Inez Sadler's Valley View Elementary School in Prince George's County, Maryland faced a shortage of 50 students for its Talented and Gifted program, but she could not choose from any of the 67 students on a waiting list. The reason: all 67 students on the list are African American, while all 50 available slots are reserved for children of other races.

This is pursuant to a court-ordered desegregation remedy originating in a 23-year-old lawsuit.

In San Francisco, as part of a 12-year-old consent decree, Chinese-American youngsters are being discriminated against in favor of whites, blacks, Hispanics, Koreans, or Japanese for entry to Lowell High School—and there is discrimination in the treatment among these groups as well. This is in the Los Angeles Times, July 13, 1995 edition.

Only in the past few weeks has there been the possibility of some change in those policies.

A 12-year-old girl was denied admission to Boston Latin School recently because she ran afoul of racial preferences.

Does the President believe these practices are right? Should his administration have been doing something about it?

Some of these examples point out something else President Clinton is oblivious to: Preferences hurt all of those outside the preferred groups in any given instance, not just white males. That is the dodge that they hide behind all the time. We are finding they are hurting everybody.

Once we draw a line based on race, ethnicity, or gender, we create new victims of discrimination.

When Miami Dade Community College, for example, offers five faculty fellowships for males of African descent, white males are not the only victims. Females of African descent are discriminated against, as are Asians and Hispanics. But this program is fully consistent with the administration's actual policies.

If President Clinton is truly concerned about equal opportunity, he should straighten out the policies of his own administration.

He could start with the Department of Justice, which of course, as chairman of the Judiciary Committee, I have the responsibility of overviewing. That is one reason why I am taking time to make this statement today.

In 1994, the Clinton administration switched sides in a reverse discrimination case in Piscataway, NJ.

In the Piscataway case, the Piscataway Board of Education decided to reduce the size of its Business Education Department. The choice was between laying off a white female or a black female with equivalent seniority.

Normally, the tiebreaker between two equally senior employees facing a layoff is undertaken in a race-neutral manner, by drawing lots. But Piscataway had an affirmative action plan, which required that the tie be broken on the basis of race in favor of the black teacher. In 1989, the white teacher was discharged.

The Bush Justice Department brought a lawsuit in January 1992 challenging this racially discriminatory layoff under title VII of the 1964 Civil Rights Act. In June 1993, the Clinton administration, then in power, filed two briefs advancing its then position that the race-based layoff was illegal.

Then, stunningly, after the district court ruled in favor of the United States and the white teacher who had intervened in the case in her own behalf, and granted her relief, the Clinton administration flip-flopped and abandoned its earlier position. It, in effect, switched sides and argued against the white teacher in favor of a policy of racial discrimination. It argued to deprive the victim of discrimination of the very relief it had engineered.

The district court's straightforward legal analysis and finding in favor of the discriminatorily discharged teacher was challenged by the Clinton administration's strained legal arguments in its ideological drive to go beyond Supreme Court precedent to further its policies of reverse discrimination.

The advocates of racial preference argue that such preferences can be justified as an effort to enhance racial diversity in a work force.

I have many problems with the administration's position in this case. Let me mention one. I am deeply disturbed by the sweeping rationale DOJ advanced in support of the preference in this case. In its amicus brief—or friend of the court brief—the Department of Justice relied on Justice Steven's concurring opinion in Johnson, which defended preferences by public and private employers in very broad terms, including increasing the diversity of a work force for its own sake.

If the open-ended view taken in DOJ's brief prevails, what is left of the actual language of title VII? Title VII's language bans discrimination in employment because of race. Narrow exceptions to title VII's plain language in Weber and Johnson, unfortunate as they are, do not extend as far as the facts in Piscataway. The Clinton administration's rationale in Piscataway, it seems to me, turns the statute upside down. It is an open invitation to widespread discrimination.

President Clinton should have repudiated the Justice Department's extreme position in this case. Instead, he endorsed it. Now, he tries to claim he opposes reverse discrimination? In Piscataway, he advocates it. The court of appeals in that case has recently rejected the administration's effort to participate further in the case. I hope it upholds the lower court, notwithstanding the Clinton administration's change of heart.

Moreover, the Justice Department largely echoed its Piscataway brief in the wide-ranging rationales it will accept for preferential hiring in the Federal Government. The Justice Department's claim that whenever an employer can produce statistics, anecdotes, or expert testimony, it can justify racial, ethnic, and gender preferences in order to meet its operational needs is a giant leap down the wrong road for this country. The President should repudiate this memorandum and start over again. He has had to countermand the Justice Department in a pornography case and a religious liberty case, so I am not suggesting anything new for this President.

Let me be clear: I favor racial diversity and integration. The question is, how does an employer achieve it? I believe the proper way of doing so is recruiting widely, including among those who traditionally do not apply for a job, and then hiring on a nondiscriminatory basis, letting the numbers then fall where they may. We should not seek to achieve diversity by trumping the principle of equal opportunity for individuals.

The Clinton administration, in contrast, believes diversity can and should be reached by discrimination and preferences, even in cases involving layoffs, as in the Piscataway case. Indeed, as I mentioned earlier, its brief in this case, after changing sides, together with its recent guidance to Federal agencies, embraces multiple, sweeping rationales for reverse discrimination with little limit, at least in the context of hiring, promotion, and remarkably, layoff.

This is a recipe for the division, polarization, and balkanization of our people. It does not bring us together. The drafters of the 1964 Civil Rights Act, such as Hubert Humphrey, have shown us a better way. Instead, President Clinton is taking us far away from the principle of equal opportunity for individuals.

No matter how much the purveyors of preference try to candycoat or obfuscate their policies with euphemisms, they cannot mask the outright discrimination they are supporting. They cannot fool the American people.

Let me mention just some of the other manifestations of the Clinton administration's policy of preference. An August 10, 1994, memorandum to Assistant Secretaries of Defense for Force Management; Health Affairs; and Reserve Affairs and to the Deputy Under Secretaries of Defense for Requirements and Resources and for Readiness addressed the subject of improving representation. It is from the Under Secretary of Defense for Personnel and Readiness, Edwin Dorn.

The memorandum expresses concern about the job representation of, for example, minorities and women. That is a fair concern, and the issue becomes, how do you address that concern. The memorandum seems to call for recruitment of minorities and women as applicants for jobs, which I believe is entirely appropriate. But listen to how this concern is further addressed in the memorandum. Listen to how subtle pressure is placed on subordinates to put a premium, a preference, on irrelevant characteristics at the point of hiring or promotion.

The memorandum reads in part:

> Secretary Perry is holding me responsible for improving representation within the Office of Under Secretary of Defense for Personnel and Readiness. For this reason, I need to be consulted whenever you are confronting the possibility that any excepted position, or any career position at GS–15 level and higher, is likely to be filled by a candidate who will not enhance your organization's—and thus Personnel and Readiness's—diversity. By working together, we may be able to make faster progress. We know that there is a problem; it may be apparent even at our own staff meetings . . .

Notice that whenever there is a mere possibility that a person in one of the nonpreferred groups is even likely to be hired or promoted for any of the covered positions, race and gender must then come into play. The Defense Department may try to explain that any way it wishes. But the euphemistic phrase making faster progress, as a practical matter, means: if you are about to hire or promote a male or a nonminority, presumably on the basis of merit, do not do it until you check with your superiors and we may well prefer someone else on the basis of race or gender to improve our numbers. Indeed, in the next paragraph, the memorandum states, ''I believe that the informal process outlined above will produce results. If not, we will need to employ a more formal approach involving goals, timetables and controls on hiring decisions.''

The problem to the Clinton administration is not discrimination. The problem to the Clinton administration is the absence of a particular proportion of each group. By singling out hiring and promotion of white males for special scrutiny, this office in DOD discriminates against them. While this approach is already a formal one—see me before you hire a white male—the threat of even more draconian measures makes it even more likely that his subordinates will make sure they are on board in their hiring to begin with.

Antidiscrimination laws already apply to the Defense Department to ensure equal opportunity. The Department is also certainly capable of recruiting widely for job applicants. But the Clinton administration is going well beyond this with its pervasive policy of preference.

If President Clinton is really serious about equal opportunity, he will repudiate that memorandum.

Let us take another example of the Clinton administration's drive toward equal results. The November 15, 1994, FAA Weekly Employee Newsletter states, ''More than half of the GS–15 management positions recently filled through the Air Traffic National Selection System were minorities and females. 'This is in line with Air Traffic's commitment to fill one out of every two vacancies with a diversity selection,' said acting Associate Administrator for Air Traffic, Bill Jeffers.'' Rather than achieve equal opportunity by recruiting widely and hiring fairly, without regard to irrelevant characteristics, the Clinton administration prides itself on a process, driven not by equal opportunity, but by equal results.

When asked at a congressional hearing on June 27, 1995, whether the administration opposes quotas, the President's Attorney General said yes. Yet, when asked about the propriety of this FAA policy, the Attorney General refused to answer three times, hiding behind the President's ongoing, long-running Adarand review. There was no excuse for failing to repudiate the FAA's policy if this administration was serious about equal opportunity, rather than treating it as a political problem to be managed with euphemisms and dodges.

President Clinton's omnibus health care bill in the last Congress provides yet another example of how this administration really views preferences and has sought to foster preferences and reverse discrimination. The Clinton health care proposal would have given a national council power to set limits on the number of medical students in various specialties and would have allocated funding among various medical training programs. The bill said that among the factors the national council must consider in allocating specialty slots is,

> . . . the extent to which the population of training participants in the program includes training participants who are members of racial or ethnic minority groups, [and] with respect to a racial or ethnic group represented among the training participants, the extent to which the group is underrepresented in the field of medicine generally and in various medical specialties.

It was not enough, then, that the medical school comply with title VI which bans racial and ethnic discrimination in programs receiving Federal aid. It was not enough to recruit widely for applicants. The Clinton administration wanted to tell medical schools that the more members of a particular group they enroll, the more likely it is that they will get a financial allocation. How many members of the groups? The bill did not say, a new twist on preferences and their encouragement. Mr. President, if you were a rational medical school administrator competing for scarce Federal dollars, and this bill had become law, how

would you react? Would you simply recruit widely and then select medical students on the basis of merit and talent, without regard to race or ethnicity? Or would you make sure that race and ethnicity play a role in the selection of students, as well? This is a financial incentive for preference.

The revised Clinton health bill, S. 2357, introduced in August 1994, actually added women to racial and ethnic groups in this preference provision. Of course, Federal law since 1972 already bans discrimination against women in federally assisted education programs. Instead of relying on our nondiscrimination laws which were written to protect these people and relying on recruitment of the right kind, the Clinton administration actually made this provision more preferential than it was less than a year before.

If President Clinton is so concerned about fairness and doing the right thing, I respectfully suggest that, as a first step, he ought to stop doing the wrong thing.

There are a number of other examples. Let me mention the Podberesky versus Kirwan case.

In addition to need-based financial aid, the University of Maryland at College Park [UMCP] offers two merit-based scholarships. No. 1, the Banneker scholarship, is for black students only. Podberesky, a Hispanic student, applied for a Banneker scholarship. Although he met the minimum requirements, he was turned down because he is not black. He is Hispanic.

The Department of Justice defended the program as a remedy for the present effects of past discrimination in Maryland's public higher education system. The district court ruled for the university, but the fourth circuit reversed and granted Podberesky summary judgment. The fourth circuit said that the university did not have sufficient evidence of present effects of its prior discrimination to justify a preference in its scholarship program, and, in any event, its effort is not narrowly tailored to serve its purported remedial purpose.

Instead of justifying this reverse discrimination, the Clinton administration should be fostering race-neutral financial aid policies.

When the California regents ended reverse discrimination in their policies in the California State university system, how did the Clinton administration respond? The President's Chief of Staff, Leon Panetta called it a terrible mistake. The Clinton administration sought to bully California and perhaps intimidate others. It initially threatened a possible cutoff of Federal aid and Federal contracts. Mr. Panetta, referring to the California universities' Federal aid, said, ''Obviously the Justice Department and the other agencies are going to review the relationship.'' The President's chief civil rights enforcer, Assistant Attorney General Deval Patrick, called this policy of equal opportunity a shame. He called it unwise. In a statement that only George Orwell could have loved, the Clinton administration's chief civil rights enforcer condemned the California Regent's action as an abandonment of ''the ideals that have been with us since our founding as a nation.''

This is another example of how the President does not get it: The California Regent's new policy is a step that reflects our Nation's ideals. If the President was truly concerned about fairness, equal opportunity, and against reverse discrimination, he would have supported Gov. Pete Wilson and the California Regents. Nothing better sets out the starkly different visions of this administration and those of us who believe in equal opportunity for all Americans than the Clinton administration's attempted bullying of California on this matter. Nothing better belies this administration's claim to be reformist—though the administration may tinker here and there, it is essentially a defender of the status quo.

This administration is fostering preferences in mortgage lending and property insurance through groundbreaking misuse of fair housing and fair credit laws. The then acting director of the Office of Thrift Supervision has even questioned some of these tactics.

The President, in undertaking his review of affirmative action, reminds me of the French Police Chief in the movie ''Casablanca'' who pretended not to know gambling was taking place in the nightclub he frequented. President Clinton would apparently be shocked, shocked to learn that reverse discrimination is openly, knowingly, and tenaciously fostered and defended by his administration in practice. Even now, I believe the Clinton administration is working hard to devise ways of perpetuating as much preference as possible, giving up just enough to make it seem as if they are doing something about it. Even then, as I will explain in a moment, the administration is attempting to mislead the American people.

President Clinton is out of touch with mainstream America on the issue of equal opportunity.

Mr. President, it is not enough to nibble at the edges of a problem.

The administration has announced its suspension of one of the preference programs operated by the Federal Government. This is a contract set-aside program operated at the Defense Department, the so-called rule of two program. I approve of this small, first step, but it is so much window-dressing thus far in the administration's review. Indeed, after making a large public relations splash about the suspension of this program, the Department of Defense made a much quieter announcement in the Federal Register on December 14, 1995. It proposed a new preference for awarding certain contracts by adding 10 percent to the total price of all offers other than those from small minority businesses.

And, shortly thereafter, the Clinton administration filed a brief in the Dynalantic Corp. versus Department of Defense case, which tenaciously defended racial contract preferences generally and under the section 8(a) program.

The President may suspend a few more programs that represent the worst abuses. But, Mr. President, one cannot split the difference on the principle of equal opportunity.

There are numerous preferential programs and policies operated by the Federal Government, a number of which the President can abolish. For example, he could eliminate the use of numerical racial, ethnic, and gender employment goals for Federal contractors. Executive Order 11246 requires Federal contractors to undertake affirmative action to ensure nondiscrimination. It does not require numerical goals. Numerical goals are a bureaucratic creation which the President could end with a stroke of a pen.

The section 8(a) contract set-aside program at the Small Business Administration is another example. Section 8(a) is intended to assist small businesses owned by socially and economically disadvantaged persons. The statute defines a socially disadvantaged person as someone who has been discriminated against because of racial, ethnic, or cultural bias. But the SBA regulations require that members of some racial or ethnic groups be presumed to be socially disadvantaged. All others seeking entry into the 8(a) program must prove they are socially disadvantaged. The President should order the deletion of this preference. All American small businessowners should have an equal chance to compete for 8(a) contracts.

Moreover, aside from these three areas, there are many other Federal policies and programs that contain preferences. What does the President intend to do about them?

What is the President's action really about? The answer seems to lie in the candid remark of an administration official, cited in the May 31, 1995, New York Times. In that story, the New York Times reported that ''an administration official said there might be some political benefit if black business executives criticized the Administration's eventual proposals. 'We want black businessmen to scream enough to let angry white males understand we've done something for them,' said the anonymous official.''

Indeed, President Clinton went to California over the Labor Day weekend and claimed credit for Congress' repeal of an FCC racial preference in the selling of broadcast properties earlier this year. His administration, of course, resisted repeal of that preference, and then wanted it modified, not repealed. His own spokesman had to acknowledge as much. And, as I mentioned earlier, in December, his administration recently proposed a brand new preference at the Department of Defense and continues to defend other preferences.

Let me conclude with the words of Prof. William Van Alstyne, in a 1979 law review article:

. . . one gets beyond racism by getting beyond it now: by a complete, resolute, and credible commitment never to tolerate in one's own life—or in the life or practices of one's government—the differential treatment of other human beings by race. Indeed, that is the great lesson for government itself to teach: in all we do in life, whatever we do in life, to treat any person less well than another or to favor any more than another for being black or white or brown or red, is wrong. Let that be our fundamental law and we shall have a Constitution universally worth expounding.

This is ''Rites of Passage: Race, the Supreme Court, and the Constitution:'' in the Chicago Law Review. I have to say I fully agree with that.

Mr. President, this is an important set of issues. We cannot ignore them. We are going to divide this country more than ever if we keep doing this system of preferences that has been going on in this administration and, alas, unfortunately, in some prior administrations as well. I hope that we can do a lot about this. I hope that we will make headway against these preferences and these inappropriate treatments of fellow American citizens as we move on into the future.

I hope the administration will pay attention to some of the things that I have brought up here today.

THE UNTIMELY DEATH OF SECRETARY OF COMMERCE RON BROWN

Mrs. FEINSTEIN. Mr. President, I would like to comment briefly on the tragic death of Secretary of Commerce Ron Brown, which occurred last week in Croatia.

I have know Ron Brown and his family for 12 years. Ron was a friend of mine, and a friend of the State of California. One of his first duties as Commerce Secretary was to find ways to resuscitate California's economy, and he helped to do just that. Ron Brown made the Department of Commerce a positive force for helping the largest State in the Union recover from the devastating recession of the early 1990's.

Ron had a vision of a prosperous America, where the cliche that ''a rising tide lifts all boats'' could actually come true. He focused his Department and this administration on looking for opportunities to help the American economy make the transition from the era of heavy industry to an era of high technology, scientific innovation, and the advancement of the current revolution in communications.

Ron helped formulate this vision, made sure that his Department gave grants and other forms of assistance to firms pursuing it, and at the time of his death was advocating that vision to other parts of the world.

But even more important than his career was the man himself. Always upbeat, with ceaseless energy, Ron could persuade the most vehement skeptic of the value of his vision and efforts for our country. He served in a variety of roles, and in each he excelled. His days as an effective leader with the National Urban League demonstrates this, where he became deputy executive director, general counsel and vice president of the Urban League's Washington, DC office.

Ron Brown's boundless energy and commitment to excellence did not stop at the National Urban League. It continued to help him break racial boundaries and become the first African-American to head a major political party, helping to elect the country's first Democratic President in 12 years; the first African-American to become a partner in his powerful Washington, DC law firm; and the first African-American to take the helm at the U.S. Department of Commerce.

I know of no chairman of the Democratic National Committee who was better regarded, whose fundraising calls were more frequently returned, or whose hardships and public statements were more well regarded—Ron Brown was tops.

In my view, Ron Brown's stewardship as Secretary of Commerce was unparalleled. He truly cared about his work and those the Department serves, and the record reflects accurately billions of dollars in trade and new business that will, in the future, benefit this country's businesses and industrial base.

I find the circumstances of his untimely death to be particularly poignant. Here he was, leading a group of business people and his staff, on a mission of peace to the war torn land of the former Yugoslavia.

He did not wait for peace to be restored. He went when risks of hostile action were still present. He did not wait for pleasant weather before springing into action. And, he did not just work on economic issues. He also spent time with our troops over there, to let them know we support their efforts.

Mr. President, we have lost a great American in Ron Brown. Whether it was politics, or crafting legislation for the Senate, or civil rights, or military service, or being a husband and a father, Ron Brown was a great patriot, and a great human being. I shall always treasure the relationship he and I had, and I shall miss him terribly.

To Alma Brown and Tracy, who have traveled with me in the campaign, I send my heart and prayers. With all his family, I share an unrelenting emptiness and sadness. I will miss the phone calls, the smile, the exploits from progress, and, most of all, his abiding and consummate belief in all of us.

LUCIUS WADE EDWARDS JULY 18, 1979–APRIL 4, 1996

Mr. HELMS. Mr. President, on March 14 of this year, one of the most impressive young men I have ever met came to my office, accompanied by his justifiably proud mother. Lucius Wade Edwards, 16, had just come from the White House. He had visited with First Lady Hillary Rodham Clinton who praised him for having been 1 of the 10 finalists in a contest sponsored by the National Endowment for the Humanities and the Voice of America.

His father, John R. Edwards; his mother, Elizabeth Anania Edwards, and his younger sister, Kate, accompanied him to the White House living quarters for his visit with Mrs. Clinton.

Wade was being honored for his having written a poignant essay entitled, *What It Means To Be An American*. Wade described going with his father to vote.

It was, as I said at the outset, Mr. President, March 14, 1996, when Wade and his dear mother stopped by my office. Three weeks later, on April 4, Wade died in an automobile accident that involved no carelessness, no recklessness, no failure to wear his seatbelt. It was just one of those tragic things that happen, and it snuffed out the life of this remarkable young man.

Mr. President, in a moment I shall ask unanimous consent that two important insertions into the RECORD be in order. The first will be the text of the award-winning essay written by Wade. It is entitled ''Fancy Clothes and Overalls.''

The second is an account, published in the Raleigh News and Observer on April 4, 1996, relating to the tragic death of Wade Edwards.

I now ask unanimous consent, Mr. President, that the two aforementioned documents be printed in the RECORD at the conclusion of my remarks and in the order specified by me.

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

FANCY CLOTHES AND OVERALLS

(By Wade Edwards)

A little boy and his father walk into a firehouse. He smiles at people standing outside. Some hand pamphlets to his father. They stand in line. Finally, they go together into a small booth, pull the curtain closed, and vote. His father holds the boy up and shows him which levers to move.

''We're ready, Wade. Pull the big lever now.''

With both hands, the boy pulls the lever. There it is: the sound of voting. The curtain opens. The boy smiles at an old woman leaving another booth and at a mother and daughter getting into line. He is not certain exactly what they have done. He only knows that he and his father have done something important. They have voted.

This scene takes place all over the country.

''Pull the lever, Yolanda.''

''Drop the ballot in the box for me, Pedro.''

Wades, Yolandas, Pedros, Nikitas, and Chuis all over the United States are learning the same lesson: the satisfaction, pride, importance, and habit of voting. I have always gone with my parents to vote. Sometimes lines are long. There are faces of old people and young people, voices of native North Carolinians in southern drawls and voices of naturalized citizens with their foreign accents. There are people in fancy clothes and others dressed in overalls. Each has exactly

the same one vote. Each has exactly the same say in the election. There is no place in America where equality means as much as in the voting booth.

My father took me that day to the firehouse. Soon I will be voting. It is a responsibility and a right. It is also an exciting national experience. Voters have different backgrounds, dreams, and experiences, but that is the whole point of voting. Different voices are heard.

As I get close to the time I can register and vote, it is exciting. I become one of the voices. I know I will vote in every election. I know that someday I will bring my son with me and introduce him to one of the great American experiences: voting.

Wade Edwards, 16, is a junior at Broughton High School, the oldest high school in Raleigh, North Carolina. He has played on Broughton's soccer team, participated in student government and has been an editor on the yearbook staff. He is also a member of the Key Club, the Junior Classical League, and the Latin Honor Society. This year Wade was selected to attend the National Youth Leadership Forum on Law and the Constitution. After school, he works as a messenger for a law firm. One of the accomplishments of which Wade is not proud was achieved outside of high school—last summer he successfully climbed Mount Kilimanjaro, the highest peak in Africa, with his father and two friends.

LUCIUS WADE EDWARDS

RALEIGH.—Lucius Wade Edwards was born in Nashville, Tennessee, on July 18, 1979, the first child of John R. Edwards and Elizabeth Anania Edwards. He moved at two years old with his family to Raleigh. He moved into the house he calls home the day after his loving sister, Kate, was born. He chose the green room and quickly filled it with the imagination of a boy. In elementary school at Aldert Root, he made lasting friendships and, when his sister joined him, he was the perfect big brother, walking her home each day hand and hand. Wade played basketball at the Salvation Army, the YMCA, and the Jaycee Center. He played soccer for years with CASL, eventually on the Broncos coached by his father, and later on the Renegades. Wade attended middle school at Ligon for two years, where his poetry was published and he won a countrywide computing award, and at Daniels for one year. He really began to become a young adult when he started attending Broughton High School in 1993. He made the Junior Varsity Soccer team in his freshman and sophomore years. He joined various organizations, such as Junior Classical League, Key Club, and the yearbook staff, where he was organizations editor this year.

In the summer between Wade's sophomore and junior years in high school, Wade attended and completed the eighteen day Rocky Mountain Outward Bound program. Immediately after that, Wade and his father flew to Africa, where they met with close friends and together successfully climbed Mount Kilimanjaro. It was the accomplishment of which he felt most proud.

In his junior year, Wade was invited to attend and did attend the four day National Youth Leadership Conference on Law and the Constitution in Washington, D.C. A short story he wrote based on his Outward Bound experiences was chosen for publication in Broughton's literary journal and won second place in the Raleigh Fine Arts Society competition for all Wake County eleventh graders. He wrote an essay on the topic What It Means To Be an American for the National Conversation Essay contest. He wrote about voting with his father. His essay was selected as one of the ten finalists nationwide. As a result, in March he was invited by the National Endowment for the Humanities and Voice of America to receive an award in Washington, D.C. During that visit, he had a personal audience with the First Lady, Hillary Rodham Clinton in the private quarters of the White House. With his father, mother, and sister watching, he received his award in the Indian Treaty Room. He recorded his essay for international broadcast over Voice of America.

Wade had a greater impact than his many achievements. He made many friends with his wide smile and easy way. He had a genuine sweetness and compassion that made his friends cherish him. He was always affectionate and loving with his family, which, in this time, gives great comfort. And in return he was well-loved in his home, in his school, and in his community.

In addition to his parents, Wade is survived by his sister, Kate, maternal grandparents, Vincent and Elizabeth Anania of Melbourne, Fla., paternal grandparents, Wallace and Catherine Edwards of Robbins, N.C.

Funeral service will be at 11 a.m. Monday at Edenton Street United Methodist Church.

The family will receive friends at Brown-Wynne Funeral Home, St. Mary's Street from 7–9 p.m. Sunday. Burial will follow in Oakwood Cemetery.

In lieu of flowers, the family asks that donations be made to a Memorial Fund at Broughton High School, St. Mary's Street, Raleigh, in Wade's name to be used to create a memorial befitting Wade's special gifts and contributions.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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

Mr. HATCH. Would the Senator withhold that?

Mr. SIMPSON. I withhold.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

Mr. HATCH. Mr. President, since we have just turned to the illegal immigration reform bill, I ask the indulgence of the two managers for a few minutes. I want to pay tribute to my friend and colleague, the senior Senator from Wyoming. For some 17 years—really, 17 years plus—Senator SIMPSON has taken on the difficult and often thankless task in dealing with the immigration issue, an issue which stirs the emotions, and one which people become very passionate about. He has always taken on this task with spirit, diligence and intelligence. His views were always thoughtful.

From time to time, I have disagreed with my friend from Wyoming on some immigration issues, but the record should be crystal clear that my friend from Wyoming is a man of great good will, a good will he brings to this issue. He often takes unfair criticism. Indeed, to borrow one of many pithy phrases I will soon miss from my friend, my friend has had several metric tons of garbage dumped on him over this issue—although garbage is not the exact word he uses. The abuse is very much undeserved.

I express my warmth, affection, and respect for my friend from Wyoming as we continue this important debate, and respect for his staff, also, which has worked so hard on these issues. I want him to know that I, as chairman of the Judiciary Committee, particularly appreciate his help and his work in the markup of this very important bill. I just want him to know how much we respect him and others who are working on this bill, as well.

Mr. SIMPSON. Mr. President, I do thank my friend and colleague from Utah. It is a great pleasure always to work with Senator ORRIN HATCH. We have done that, now, for 17½ years together. There is not a person I enjoy more—his spirit, energy, and background as a pugilist, which has certainly helped him. Would that I had studied pugilism as he had in my youth, because he gives as good as he gets. He is a wonderful friend, and I thank him.

As we proceed to these next 2 days, this issue is such a marvelous issue, filled simply with emotion, fear, guilt, and racism, and it is a political loser. It has never pushed me up a peg in political life, but somebody has to do this particular work, and the Senator has given me the ability and the leeway to go forward with it as your subcommittee chairman. I am deeply appreciative of it.

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

The PRESIDING OFFICER. The clerk will call the roll. The bill clerk proceeded to call the roll.

Mr. KYL. 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. KYL. Mr. President, let me begin by applauding the leadership of Senators SIMPSON and HATCH and the rest of the Judiciary Committee in passing out of the committee this very important immigration bill to stem the tide of illegal immigration in our country, both among those who come here illegally and those who come here legally but who do not leave our country when their visas expire. It has been said before that, according to the INS, these visa overstayers represent about 50 percent of the illegal population.

The bill we are debating this week also includes provisions to crack down on criminal aliens and alien smugglers and to ensure that neither illegal nor legal immigrants come to the United States to take jobs from taxpayers or to depend upon our Nation's welfare benefits.

There will be an effort on the floor to pass a sense-of-the-Senate resolution declaring that any attempt to reform laws related to legal immigration should be considered separately from illegal immigration reform. I oppose this effort and will speak against it when it is offered.

I plan to offer an amendment with Senator SIMPSON that will provide a temporary 10-percent reduction in overall legal immigration. This is a very modest reduction, but it will at least provide a sharp contrast to the increase in immigration that will result under the bill as it was amended in the committee.

It is important to make clear that immigration will not be reduced under the committee bill. Immigration will increase at a slightly lesser rate than under current law, but it will increase.

Having said that, Mr. President, I move to the bill we are debating today and one of great importance to the Nation, and specifically to my home State of Arizona. Immigration and Naturalization Service figures show that illegal immigrants are entering Arizona at a faster rate than they are entering any other State. Over the past year, Arizona has surpassed even Texas in illegal immigrant apprehensions. California is the only State with higher apprehension levels, and although apprehensions have decreased somewhat in what had been the hot spot for illegal entry in Nogales, AZ, apprehensions for March 1995 to March 1996 have increased over 300 percent in the Nation's newest hot spot for illegal entry, Douglas, AZ.

Mr. President, I was in Douglas, AZ, just about a week ago, in fact, a week ago yesterday, and visited with community leaders and with Immigration and Naturalization Service employees. The situation in Douglas is extraordinary, to say the least, with thousands of illegal entrants into the country every month. As a matter of fact, in the first 2 months of this year already, more people had been apprehended than in all of last year. What has happened is that as the INS has put more agents in Texas and in the San Diego area of California, the illegal immigration naturally shifted to Arizona, first the port of Nogales, where last year that was the hottest spot in Arizona. Now, with more agents having been put in Nogales the people are moving from there, east, to Douglas and crossing the border in that very small community. As a result, it is very, very important that there be additional support provided for the Immigration and Naturalization Service in the Douglas area, including the addition of more agents.

I note that at the moment, there are some 60 temporary agents, but under labor union contracts they can only be assigned away from their permanent station for, I think, a period of 30 days. In any event, 60 people translates into 15 people on the ground at any given time. There needs to be an additional allocation of agents to the Douglas area. According to the Immigration and Naturalization Service, illegal immigrants comprise about 10 percent of the work force in Arizona.

In addition, according to Governor Fife Symington, Arizona incurs costs of $30 million every year to incarcerate criminal aliens. The State also spends $55 million annually in Arizona taxpayer money to provide free education to persons who are in this country illegally. Clearly, illegal immigration imposes great costs on our citizens.

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

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

The bill clerk proceeded to call the roll.

Mr. KYL. 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. KYL. Mr. President, I will continue on with my comments.

Arizona is not the only State dramatically affected by illegal immigration. The INS estimates that there are 4 million illegal immigrants in the United States and that this number is growing by 300,000 to 400,000 each year.

While the United States has always been, and should continue to be, a land of opportunity for U.S. citizens and for those who come here illegally, we simply cannot afford as a nation to continue to incur the unrestrained costs of illegal immigration—in jobs, in welfare, in education, in health care, in crime on our streets, and on our penal system. To illustrate the effect, consider that over one-quarter of all Federal prisoners are foreign-born, up from 4 percent as recently as 1980. Again, over 25 percent of all Federal prisoners are foreign-born. It was only 4 percent just 15 years ago.

As we all know, yesterday was tax day. It is not fair, given our $5 trillion debt and annual $200 million in deficit spending, to ask law-abiding taxpayers to pay for those who choose to violate our laws to come to this country illegally, or even to pay for legal immigrants who, once here, quickly come to depend on our Nation for welfare and other public benefits.

S. 1664 will go a long way toward eliminating those incentives. Under the bill, illegal immigrants are banned from almost all public benefits programs outright and legal immigrants will have to work 40 quarters before becoming eligible for most benefits. I was pleased that the committee passed a number of amendments I offered to deal with this general issue: these include requiring the Education Department to report to Congress on the effectiveness of a new system designed to ensure that ineligible aliens do not receive higher education benefits, and requiring the Federal Government to reimburse States for the costs of providing emergency medical services and ambulance services also passed. The latter was offered on behalf of Senator MCCAIN. I also plan to offer an amendment during this debate to ensure that, as the House did, illegal aliens do not receive assisted government housing benefits.

So that aliens do not come to this country illegally and take jobs away from law-abiding taxpayers, the bill directs the Attorney General to conduct regional and local pilot employer verification projects to ensure that employees are eligible to work in the United States. Employers are already required to fill out the I–9 form to verify the eligibility of employees. However, the I–9 system is open to fraud and abuse—participants in the new system will be, for the most part, exempt from the I–9 requirement. An improved verification system will protect employers from unintentionally hiring illegal aliens and also protect potential job applicants from discrimination. The bill specifically prohibits the establishment of any national ID card. Employee verification can only be used after an employee is offered a job, and would require a subsequent vote in Congress before a national system could be established. I was pleased that the committee passed my amendments to limit liability and cost to employers who participate in any system.

Importantly, this bill will assist our Government in its primary responsibility; protecting U.S. borders and enforcing U.S. laws. After all, we are a nation of laws. We cannot turn a blind eye to those who break our immigration laws. We simply cannot afford to anymore. We must gain greater control over our Nation's borders, prevent illegal entry and smuggling, and detain and swiftly deport criminal aliens. S. 1664 will help achieve these objectives. Increasing the number of Border Patrol agents, and improving technology and equipment at the border has been one of my priorities, so I was particularly pleased that the committee adopted my amendments to train 1,000 new Border Patrol agents through the year 2000 and to require, as recommended by Sandia Labs in 1993, the construction of a triple-tier deterrence fence along the San Diego border; and to increase the number of INS detention spaces to 9,000 by the year 1997. This increase in detention space will raise by 66 percent detention space available to the INS to detain criminal aliens awaiting deportation and other aliens who are at risk of not showing up for deportation or other proceedings. The bill also requires the Attorney General to report to Congress on how many excludable or deportable aliens within the last 3 years have been released onto our Nation's streets because of a lack of detention facilities.

In addition, the bill allows the Attorney General to acquire U.S. Government surplus equipment to improve detection, interdiction, and reduction of illegal immigration, including drug trafficking, and allows volunteers to assist in processing at ports of entry and in criminal alien removal. These provisions will go a long way toward effective control and operation of our Nation's borders.

In addition to more effectively controlling our border, further modification of our laws is needed to create disincentives for individuals to enter the

United States illegally. I plan to offer two additional amendments to deal with this issue. The first would amend section 245(i) of the Immigration and Nationality Act, so that illegal aliens who become eligible for an immigrant visa can no longer attain the visa by paying a fee that lifts the requirement to depart the United States. Section 245(i) encourages people who are awaiting an immigrant visa to jump illegally ahead of others, simply by paying a fee. Senator HUTCHISON and I also plan to offer an amendment that, with a number of exceptions, would exclude for 10 years those who have entered without inspection from obtaining a visa.

S. 1664 also makes clear that you cannot skirt the law by entering the country legally and then overstaying a visa. Another amendment I offered that the subcommittee adopted requires individuals who have overstayed their visas to return home to obtain another visa, period. And, the last successful amendment regarding overstayers, offered by Senator ABRAHAM and cosponsored by me, requires visa overstayers to return home for 3 years before applying for another visa. While this last amendment goes far, I plan to offer an amendment with Senator HUTCHISON that would, with a number of exceptions, exclude for 10 years those individuals who have overstayed their visas for more than a year.

For those individuals who come to this country and commit crimes—and there are 450,000 criminal in jails and at large in this country—there are provisions in the bill to keep them off our streets and deport more quickly. I am pleased that a bill I introduced last year, to encourage the President to renegotiate prison transfer treaties so that aliens convicted of crimes can no longer choose whether or not they serve out their sentences here or in their home country, was added to the bill. Also passed was my amendment to advise the President to renegotiate these treaties so that if a transferred prisoner returns to the United States prior to the completion of a sentence, the U.S. sentence is not discharged. The committee also passed a number of amendments I cosponsored, offered by Senator ABRAHAM, that strengthen the detainment and deportation of criminal aliens in other ways.

There are a number of other provisions in this bill that are important, including provisions to streamline the system by which asylum seekers apply to stay in the United States. While refugees are still offered important protections, abuse of the system will be largely curtailed by a new system allowing specially trained asylum officers at ports of entry to determine if refuge seekers have a credible fear of persecution. If they do, then they go through the process of establishing a well-founded fear of persecution in order to stay in the United States.

By allowing these especially trained officers to make decisions at ports of entry, it will be more difficult for individuals to simply fill out an asylum application, be released into the streets, and possibly never show up for asylum proceedings.

The bill we are debating this week includes provisions that Senator SIMPSON and his staff have worked hard to develop and protect. Many of them are a response to the Jordan Commission recommendations. It includes bipartisan provisions on which Senators from both sides of the aisle have diligently worked.

As we begin to consider this important bill, we have to remember that, unless we protect our borders and insist that our immigration laws are taken seriously, we undermine the law, and that undermines the United States as a land of opportunity for all—both foreign and native born. My grandparents immigrated to the United States from Holland. I think they would be concerned about how our immigration system works today.

The American dream must be kept alive for citizens and for those who came here legally. A government not in control of its own borders is not serving the public well.

I urge my colleagues to pass a bill that will address these important problems. Again, I very sincerely thank the chairman of the Immigration Subcommittee of the Judiciary Committee for his long years of work in this area and for his willingness to work with everybody on the committee to craft the best bill possible so that he can begin to deal with these serious problems.

Mr. SIMPSON. Mr. President, I thank my colleague from Arizona. I only want to say that it has been a great joy to work with him on the Committee on Immigration. He is a remarkable contributing member, brings a vigor and intelligence and skill to the committee, to the subcommittee, and to the full committee. There could not be a finer new Member of the body participating in the measure, and it will be a great personal satisfaction for me that he will continue on with this issue. I certainly hope, also, that it might be in the capacity as chairman of the Subcommittee on Immigration.

I know that Senator KENNEDY will work with whoever my successor will be, and I think we will find certainly a great deal of pleasure in working with Senator KYL. I thank him very much for all that he has done.

I yield to Senator BRYAN of Nevada since the business of the floor is the immigration bill and since I hold the floor.

Mr. DORGAN. Mr. President, regular order.

Mr. SIMPSON. I hold the floor. I believe that is the case.

Mr. DORGAN. Mr. President, parliamentary inquiry.

Mr. SIMPSON. You recognized me. I intended to yield to Senator BRYAN.

Mr. DORGAN. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER (Mr. KYL). The Senator will state the parliamentary inquiry.

Mr. DORGAN. The Senator from Wyoming yielded to the Senator from Nevada for a question. Does the Senator from Wyoming control time on the floor of the Senate at this point?

Mr. SIMPSON. I have the floor, Mr. President.

The PRESIDING OFFICER. The Senator from North Dakota should be advised that Senator SIMPSON may yield to the Senator from Nevada with consent.

Is there any objection?

Mr. DORGAN. I object.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. Objection is heard.

The Senator from North Dakota.

Mr. DORGAN addressed the Chair.

Mr. SIMPSON. Mr. President, what is the status of the situation on the floor at the present time? Objection is sustained and not——

The PRESIDING OFFICER. At the present time, I will advise the Senator from Wyoming that, absent unanimous consent to do otherwise, the Senate, under the previous order, will resume consideration of S. 1664.

Mr. SIMPSON. Yes. But after the objection, then there is no yielding of any measure to the Senator from North Dakota. He does not then take the floor.

The PRESIDING OFFICER. That is correct.

Mr. DORGAN. Mr. President, parliamentary inquiry.

Mr. SIMPSON. This Senator, I am advised and wanted to be absolutely certain, does control the floor, and I can yield to the Senator from Nevada, and at the end of that time I intend to yield to the Senator from Wisconsin, Senator FEINGOLD, and to Senator GRASSLEY, because we are doing an immigration bill. We are not doing Social Security. We are not doing balanced budgets this morning.

Mr. DORGAN. Mr. President, parliamentary inquiry.

Mr. SIMPSON. Those are subjects that the Senator from North Dakota would like to address.

The PRESIDING OFFICER. The Senator is correct.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1664, which the clerk will report.

Mr. DORGAN. Parliamentary inquiry.

The bill clerk read as follows:

A bill (S. 1664) to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Dorgan amendment No. 3667, to express the sense of the Senate that a balanced budget constitutional amendment should protect the Social Security system by excluding the receipts and outlays of the Social Security trust funds from the budget.

Simpson amendment No. 3669, to prohibit foreign students on F–1 visas from obtaining free public elementary or secondary education.

Simpson amendment No. 3670, to establish a pilot program to collect information relating to nonimmigrant foreign students.

Simpson amendment No. 3671, to create new ground of exclusion and of deportation for falsely claiming U.S. citizenship.

Simpson amendment No. 3672 (to amendment No. 3667), in the nature of a substitute.

Several Senators addressed the Chair.

Mr. DORGAN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from North Dakota will state his inquiry, and then it is the Chair's intention to recognize the Senator from——

Mr. DORGAN. Mr. President, the parliamentary inquiry is this. When I offered an objection to the unanimous-consent request, the unanimous-consent request was then not agreed to. At that moment I said, ''Mr. President,'' and the Chair recognized the Senator from North Dakota.

I do not quite understand that the right of recognition on the floor of the Senate has changed because I read the rule book about the right of recognition. After I was recognized, the Senator from Wyoming then asked a series of questions of the Chair, from whom he got a sympathetic answer, which does not comport with the rules of Senate.

I would like to understand the circumstances which existed when the Chair recognized me after I objected.

The PRESIDING OFFICER. The Senator knows that the stating of a parliamentary inquiry does not gain the floor. The Senator from Wyoming has the floor. The floor was placed under the regular order, which the Senator from North Dakota had called for. Under the previous order, the Senate resumed consideration of S. 1664, which is the pending business. The Chair asked the clerk to report. The Senator from Wyoming has the floor.

Mr. DORGAN. Parliamentary inquiry. This Senator begs to differ with the President. The circumstances of the Senate were this: The Senator from Wyoming propounded a unanimous-consent request. The Chair asked if there was an objection. The Senator from North Dakota objected. At that point, the Senator from North Dakota addressed the President, ''Mr. President.'' The President of the Senate recognized the Senator from North Dakota. At that point I was recognized and had the floor of the Senate.

I do not understand the ruling or the interpretation of the Chair that leads to a different result. I would very much like to try to understand that.

The PRESIDING OFFICER. The Senator from North Dakota is correct to this extent: The pending business is S. 1664. The chairman of the Immigration Subcommittee, Senator SIMPSON, has the right to be recognized under that pending business. The Chair has recognized the Senator.

Mr. DORGAN. Parliamentary inquiry.

Mr. SIMPSON. Mr. President, may I just ask my friend from North Dakota? I think the Chair could easily have determined that in recognizing the Senator from North Dakota, it was for the point of parliamentary inquiry. That was all that the Senator from North Dakota was seeking. If he was recognized, which he was, then certainly it was on the point of a parliamentary inquiry. I think that is perhaps the confusion.

Mr. DORGAN. Mr. President, parliamentary inquiry: The right of——

The PRESIDING OFFICER. The Chair, the President, will state again to the Senator from North Dakota that no one has the right to the floor when the President is asking the clerk to read the bill, which is the regular order. At that point in time, the Senator from Wyoming has the right to be recognized, and the Chair has recognized him.

So the Senator from Wyoming is recognized.

Mr. DORGAN. Mr. President, parliamentary inquiry. Did the Senator from Wyoming seek the floor when I made the objection to the unanimous-consent request?

The PRESIDING OFFICER. No.

Mr. DORGAN. Mr. President, after the unanimous-consent request was made and I objected, for what purpose did the Presiding Officer recognize the Senator from North Dakota? The transcript will show that the President recognized the Senator from North Dakota at that point.

The PRESIDING OFFICER. The Presiding Officer recognized the Senator from North Dakota for the purpose of inquiring what the nature of the parliamentary inquiry was and recognized the Senator from Wyoming and the manager of the bill, which is the pending business. It automatically became the pending business.

Mr. DORGAN. Further parliamentary inquiry. I think a mistake has been made here. I think I could easily understand what the mistake is if we had the transcript read back.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I hope that all of us understand what the situation is—I do anyway—and that is that the Senator from North Dakota feels very strongly about an issue which he proposed yesterday that had to do with a balanced budget amendment and Social Security and offsets and that type of thing, a rather consistent theme by the Senator from North Dakota that he talked about. There is also a proposal—I am not leadership. I am not representing leadership. What we are trying to do is go forward with an immigration bill. There will be many extraneous amendments on this bill, I feel quite certain. All I am trying to do is to get to the hour of 2:15, after which time the Senator from North Dakota may do anything that he desires to do with regard to the issue.

At this time I yield the floor for purposes of an opening statement by Senator BRYAN of Nevada.

Mr. DORGAN. I object, Mr. President.

Mr. BRYAN. I thank the Chair.

Mr. DORGAN. Mr. President, I object.

Mr. SIMPSON. There is not anything to object to.

The PRESIDING OFFICER. Did the Senator from Wyoming propound a——

Mr. SIMPSON. No; I did not propose a unanimous-consent request. I simply yielded the floor to the Senator from Nevada.

Several Senators addressed the Chair.

Mr. DORGAN. Parliamentary inquiry. That is not the way the Senate operates.

Mr. KENNEDY. The rules of the Senate require one can only yield for purposes of a question. That has been the rule for 200 years.

The PRESIDING OFFICER. The Senator from Massachusetts is correct.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The distinguished majority leader.

RECESS

Mr. DOLE. Mr. President, I move we stand in recess until 2:15.

The PRESIDING OFFICER. Is there objection to standing in recess until 2:15?

Without objection, it is so ordered.

The motion was agreed to, and, at 11:21 a.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. COATS].

WHITEWATER DEVELOPMENT CORP. AND RELATED MATTERS—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 2:15 p.m. having arrived, under rule XXII, the clerk will report the motion to invoke cloture on the motion to proceed to Senate Resolution 227.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. Res. 227, regarding the Whitewater extension.

Alfonse D'Amato, Dan Coats, Phil Gramm, Bob Smith, Mike DeWine, Bill Roth, Bill Cohen, Jim Jeffords, R.F. Bennett, John Warner, Larry Pressler, Spencer Abraham, Conrad Burns, Al

Simpson, John H. Chafee, Frank H. Murkowski.

CALL OF THE ROLL

The PRESIDING OFFICER. The mandatory quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of Senate Resolution 227, the Whitewater resolution, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Florida [Mr. MACK] is necessarily absent.

I further announce that the Senator from Alaska [Mr. MURKOWSKI] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Alaska [Mr. MURKOWSKI] would vote ''yea.''

Mr. FORD. I announce that the Senator from North Dakota [Mr. CONRAD] is absent because of illness.

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

The yeas and nays resulted—yeas 51, nays 46, as follows:

[Rollcall Vote No. 61 Leg]

YEAS—51

Abraham	Faircloth	Lugar
Ashcroft	Frist	McCain
Bennett	Gorton	McConnell
Bond	Gramm	Nickles
Brown	Grams	Pressler
Burns	Grassley	Roth
Campbell	Gregg	Santorum
Chafee	Hatch	Shelby
Coats	Hatfield	Simpson
Cochran	Helms	Smith
Cohen	Hutchison	Snowe
Coverdell	Inhofe	Specter
Craig	Jeffords	Stevens
D'Amato	Kassebaum	Thomas
DeWine	Kempthorne	Thompson
Dole	Kyl	Thurmond
Domenici	Lott	Warner

NAYS—46

Akaka	Ford	Mikulski
Baucus	Glenn	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boxer	Heflin	Nunn
Bradley	Hollings	Pell
Breaux	Inouye	Pryor
Bryan	Johnston	Reid
Bumpers	Kennedy	Robb
Byrd	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Kohl	Simon
Dorgan	Lautenberg	Wellstone
Exon	Leahy	Wyden
Feingold	Levin	
Feinstein	Lieberman	

NOT VOTING—3

Conrad	Mack	Murkowski

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 46. Three-fifths of the Senators not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

UNANIMOUS-CONSENT REQUEST—S. 1664

Mr. DOLE. Mr. President, what I am going to propound when Senator DASCHLE arrives is consent that consideration of the immigration bill be limited to relevant amendments only. Either we will finish this bill or we will move to something else. It is my hope we can complete action on the immigration bill by tomorrow evening and then go to the Kassebaum-Kennedy health care bill.

In the interim, we need to take care of the conference report on terrorism. The original bill passed the Senate last May. We are prepared, if we cannot do business on the immigration bill, to move to the conference report on terrorism. We would like to finish that so that the House might complete action on it by Thursday.

I now ask unanimous consent that during the consideration of the pending immigration bill, the bill be limited to relevant amendments only.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, reserving the right to object, I wonder how many times Senator DOLE has been in the opposite position, when Senator MITCHELL and my distinguished predecessor, Senator BYRD, made similar requests on the Senate floor.

We all know the circumstances on the Senate floor. We all know that there are many occasions when Senators have no other opportunity to raise an issue except in the form of amendments to pending legislation. Our Republican colleagues have done it time and time again, both in this Congress as well as in previous Congresses.

Given that, I propose a modification to the unanimous-consent request that I think is reasonable. We would be prepared to offer just two nonrelevant amendments, the minimum wage amendment as well as the Dorgan amendment relating to the balanced budget proposal, and would even be prepared to allow the Republicans a similar number of nonrelevant amendments, with time constraints and no second-degree amendments, in an effort to accommodate the schedule.

That is not, it seems to me, too much to ask. We could accommodate that within the next hour or two. We could even agree to a limited number of amendments on the bill itself that are relevant. I make that modification and ask the distinguished majority leader whether he would be inclined to support it. If so, I think we could find a way in which to schedule this legislation and reach final passage.

Mr. DOLE. Maybe regulatory reform. We have over a majority. We have 58 votes; we need 60. My colleagues on the other side will not let us bring that to a vote. That costs the average family about $6,000 per year because of excessive regulations. We think it is a reasonable nonpartisan bipartisan approach to regulatory reform. Maybe that is an amendment we could look at.

What I will tell the Democratic leader, I am happy to consider that, but I assume if he objects to this request, we will go on to the terrorism conference report, after a statement by the distinguished Senator from Wyoming, Senator SIMPSON. Maybe while we are resolving that bill, we could see if we can resolve this one.

I said we passed this bill last May. It was June 7 that the terrorism bill passed by a vote of 91 to 8. We have pretty much the same bill. I hope we would not spend a great deal of time on the conference report. Then we can go back to the immigration bill if we can work out an agreement. If not——

Mr. DASCHLE. If I can respond to the distinguished majority leader, I hope we could use whatever time we have available to us to see if we can find some mutually agreeable schedule here. Our desire is to come to final passage on an illegal immigration bill.

We want to see that happen as badly as anybody else here in the Senate. We also recognize, however, that circumstances in the past have precluded us from offering amendments relating to minimum wage. We will not have, if we bring up the constitutional amendment to balance the budget under the reconsideration rules here in the Senate, an opportunity to offer amendments. So we really have no vehicle with which to offer alternatives.

But I understand and certainly respect the majority leader's position, and I want to work with him to see if we cannot accommodate his desire and ours to complete work on the illegal immigration bill, as well as to have opportunities to vote on issues that we hold to be very important.

I object under the circumstances now presented.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. As I understand it, the Senator had a modification to mine?

Mr. DASCHLE. Yes, I proposed a modification.

Mr. DOLE. I object.

The PRESIDING OFFICER. Objection is heard.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader has the floor.

TERRORISM PREVENTION ACT—CONFERENCE REPORT

Mr. DOLE. Mr. President, I hope that the Chair may lay before the Senate the conference report to accompany the terrorism bill, and I will ask that the conference report be considered as having been read, and then we can make whatever statements we want.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object. If, as soon as that is laid down, the Presiding Officer could recognize the Senator from Massachusetts and the Senator from Wyoming, I would have no objections, with that understanding.

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

The clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 735), to prevent and punish acts of terrorism, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of Apr. 15, 1996.)

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

Mr. SIMPSON. Mr. President, I just reflect that Senator KENNEDY and I are ready to go forward with this measure. It is an issue that is very topical and must be addressed—the issue of illegal immigration, the issue of legal immigration. Both bills are here. One is at the desk and one is being processed.

I want to assure all that immigration reform is not a partisan issue. It never has been and it never will be. It cannot be. I just hope that before we go on with these maneuvers, we recognize that I do not think anyone, especially in an election year, would want to be known as the person that took this bill down and left it down. It is an issue that, as I say, is not going to resolve itself. It is a Federal issue, not a State issue. We either resolve it, or we will have proposition 187's in every State of the Union. From me, I have buried my dead many times before with regard to both legal and illegal immigration, and life will go on if you bury it one more time.

Thank you.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I join with the Senator from Wyoming in believing that it is premature to draw this bill down. This issue is of enormous importance in terms of dealing with the borders of this country and the flow of illegal immigration. It is enormously important in terms of enhancing the various criminal statutes that would deal with struggling, and it is enormously important to make sure we are going to protect American jobs by refusing illegals the opportunities for employment. And as the Jordan Commission and the Hesburgh Commission pointed out, jobs are the issues which attract the illegals. This particular measure deals with those particular proposals.

We had 6 days of markup on this in committee. As the Senator from Wyoming pointed out, there was significant participation by Republicans and Democrats. It was devoid of partisanship in the consideration of various amendments. Last evening, the Senator from Wyoming offered three important amendments, which we were about to accept—one to make it a deportable offense to falsely claim to be a citizen while applying for jobs or welfare benefits. That is important. That can make a difference in terms of protecting the American taxpayer and the American worker. There is an amendment to keep track of the foreign students, to make sure they stay in school and not work illegally. We do not have the information of what is happening to many of the students, whether or not they circumvent the current laws and melt on into the population and use what is a legitimate cause to come here, to subvert the efforts to try and deal with illegal immigration. The third proposal is where you have students that come here to go to a private university and end up, at the public taxpayers' expense, allegedly going to public education at the burden of the taxpayers. These are significant and important amendments. We debated and discussed those last evening. We are prepared to act on them.

So there are probably eight or nine extremely important and controversial items that I was prepared to work out a time agreement on and urge colleagues to do so. And there were the other two items, which as Senator DORGAN and I will speak to briefly, about the minimum wage.

I would have been glad to urge the minority leader to agree to an hour or half hour, if that was going to be the cost of getting a vote on the issue of the minimum wage. We have been unable to get consideration of that measure now for over a year. And we have seen 56 Members of the Senate—bipartisan—who have indicated they want to address that issue. We are still denied an opportunity to consider a bill on its own merits with a relatively short period of time, since this is an issue that is understood by the Members.

Every day that goes on where we deny the opportunity for an increase in the minimum wage makes it clearer and clearer that there are those in this body, the U.S. Senate, that refuse to recognize that the work is important of the men and women in this country that work 40 hours a week, 52 weeks a year and are entitled to a livable wage. That issue is not going to go away. We are going to keep revisiting that, as the minority leader pointed out, over the objections and opposition and stress to those opposed to that, until we are at least able to deal with it in a way in which that particular issue is dealt with with a sense of dignity because of the importance that has to many of our fellow citizens.

So I am disappointed that we are not able to move ahead. We are prepared to move along. I think many of those amendments that have been published here could be disposed of with broad bipartisan support. Probably, a dozen need our full attention. We were quite prepared—I know the leader on our side had instructed us to make every effort to move the program forward. That was the sense of the Democratic members of the Judiciary Committee. So, Mr. President, I am distressed by that. Also, as a matter of information on the terrorism bill, they did strike provisions that were in the previous law that permits the Internet to publish information about how to make bombs, and then a measure that was worked out by Senator FEINSTEIN, and also Senator BIDEN, that ensured that we were going to deal with that particular item. It was a matter that I brought to the floor. Someone had sent it to me over the Internet itself, and it provided in detail about how to make bombs. Senator FEINSTEIN and Senator BIDEN provided leadership to deal with that on the Internet. And now, as I understand, for some reason that I cannot possibly understand, in this terrorism conference report that particular provision has been eliminated.

I heard the leader say that this is pretty much the same measure that came through the Senate. I have just listened with great interest. I wish our ranking member of our Judiciary Committee, Senator BIDEN, was on the floor to respond to that. I know we will have a debate on some of those measures. But that, along with other provisions dealing with the explosives and tagging explosives and also the reduction of the provisions, which were accepted in the Senate in terms of wiretapping, which the FBI indicated would be such a powerful force in terms of dealing with the terrorist organizations and potential terrorist bombs, have all been dropped in that conference report. For what reason I do not know. But I heard the leader say that this measure was pretty much what was passed in the Senate. Certainly, if those measures have been addressed and deleted or compromised, I think that we ought to—as I am sure we will—hear Senator BIDEN and others address it.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, the Senator from Massachusetts is correct. Senator HATCH is prepared, and he will start on the conference report. We are not going to debate the immigration bill. It is being held hostage now because of the demands on the other side. If we do not want to do anything about illegal immigration, I guess the Democrats can make that happen. Most Americans, by 80 percent, think we should deal with this issue. But now we are going to be held hostage by Social Security amendments and minimum wage amendments. They have five or six others. Then they have the gall to stand up and say, ''We want to move ahead on illegal immigration.'' We know what is happening.

If we can work out a time agreement on relevant amendments, we will pursue illegal immigration or the immigration bill. It passed the committee, as I understand, by a vote of 13 to 4. But if we are going to have extraneous amendments and nonrelevant amendments to help protect some of those who voted wrong on the balanced budget amendment, we could be having this every day—and every day and every day. I just hope the six on the other side who voted for a balanced budget amendment 2 years ago would now, when we have the vote sometime this month or probably next month, vote for the balanced budget amendment—we are just a couple of votes short—and send it to the States for ratification. If three-fourths of the States ratify it, it becomes part of the Constitution.

But we are now prepared to proceed on the antiterrorism conference report. Obviously, not every provision the Senate passed survived the conference. But as I think, as the Senator from Utah outlined to us in our policy luncheon, nearly every important feature in the Senate bill survived the conference, and we believe that it is a good bill that should be passed as quickly as possible so the House might act.

If we can work out some agreement on immigration, we will go back to immigration. If not, we may go to something else. It does not have to proceed here one day at a time. I know some would like to frustrate any efforts on this side of the aisle. But we do have the majority, and we will try to do our best to move legislation that the American people have an interest in. Illegal immigration—wherever you go illegal immigration is a big, big issue. If we are going to be frustrated by efforts on the other side to hold the bill hostage, that is up to them. They can make it happen. Then they can explain that to the voters in November.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I thought we had completed the discussion on immigration. But since it appears that is not the case, let me respond again.

We did not pull the bill. We could be on that bill right now. We could be taking up amendments right now. We have already agreed to short timeframes within which to debate the minimum wage amendment and the Social Security amendment. We can resolve them by 5 o'clock this afternoon and come to completion on the bill itself sometime tonight. We are prepared to do that.

So do not let anybody be misled. We are not holding this bill hostage. We did not pull it down. We did not ask that there be no opportunity to vote. Welcome to the U.S. Senate. Welcome to the U.S. Senate.

If our Republican colleagues are prepared right now, this afternoon, to say that throughout the rest of the 104th Congress they will never offer an irrelevant amendment to any bill because doing so would somehow indicate that they do not want a bill to pass or they are going to hold the bill hostage, we might be prepared to talk about that. But everyone knows that is not what this is all about. There are some here who do not want to deal with the issues that we are attempting to address in these amendments.

So I do not think there ought to be any misunderstanding or obfuscation of the question. The question is, Do we support passage of an illegal immigration bill? The answer is not only yes, but emphatically yes. Do we support timeframes within which every amendment could be considered? The answer is yes.

So I hope we can reach an agreement. I hope now we can move on to the counterterrorism bill and address that in a timely manner. I am prepared to sit down this afternoon, tonight, or tomorrow to find a way to resolve the procedural issues regarding how we take up the immigration bill itself.

I yield the floor.

Mr. HATCH addressed the Chair.

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

TERRORISM PREVENTION ACT—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. HATCH. Mr. President, I think it is time to vote on the antiterrorism bill.

I have to say that I do not think anybody denies the minority a right to bring up irrelevant amendments. But it is happening on everything. It has happened now for 2—actually better than 2—solid years. When you get something as important as the immigration bill—and I have to say, as chairman of the Judiciary Committee, we worked our guts out to get that bill here because it is such an important bill. It is a bill that every border State in this country and every State in this country is concerned about. Senator SIMPSON has just plain worked for years to get this up. I do not agree with Senator SIMPSON on every aspect of that bill, but I sure admire him. I admire the effort he has put in. I just think it is a tragedy that we cannot move and get the thing done. It is something that every Democrat and every Republican wants to do.

Also, as a former member of and former chairman of the Labor Committee, we have had these minimum wage fights year after year, time after time, and, frankly, to bring it up on immigration, it is a matter of great concern to me that they would do that.

These are a couple of bills—the immigration bill and the antiterrorism bill—that literally ought to be bipartisan every step of the way. We can have our differences, but we ought to be working to resolve these bills.

Sometimes I think this body does not seem to care about what is important for the people out there. I have to admit that there are very sincere people on the minimum wage. On the other hand, there are other opportunities to bring that up, I suppose. These two bills really should not have a bunch of irrelevant amendments.

Today, the Senate begins consideration of the conference report on S. 735, the Antiterrorism Effective Death Penalty Act of 1996. This is a particularly relevant time to begin this debate because we are fast approaching the 1-year anniversary of the heinous crime that claimed the lives of so many men, women, and children in Oklahoma City, OK. Indeed, this Friday, the 19th, marks the 1-year anniversary of that tragedy. I hope we can in an orderly, decent way get this bill done today so that we can send it to the House and they can do it, so that we can at least do what the Senate ought to do in commemoration of the lives of those who died last year—and those who died in the Lockerbie airline crash, those who have been terrorized all over this world, but especially those who have been and will yet be terrorized in this country.

Although many of the physical wounds endured by the survivors of that blast in Oklahoma City have healed, the wounds to their hearts continue to bleed. We met with a number of them yesterday. Those folks really want this bill.

During this past year, as I have spent time with my own family—Elaine and I have 6 children; all 6 of them are married now, and we have 15 grandchildren—my thoughts have often turned to the survivors of the Oklahoma City tragedy and to the families of those who lost their loved ones on that terrible day a year ago this Friday. I cannot imagine what it would be like to have my family taken from me by the acts of evil men and perhaps women.

I have to say my heart went out to these survivors yesterday who came back here at their own expense to stand with us at that press conference and announce that we finally have arrived at a bill after this full year of effort.

Yesterday, I had the opportunity to meet with some of the families who lost loved ones on that fateful day. The one thing that the survivors of that tragedy and the victims of that tragedy requested was that we try to provide justice to the memories of those who lost their lives in that terrorism blast.

I want to quote the family members of the victim of the bomb who spoke to the Nation yesterday about the need for this bill. Dianne Leonard lost her husband Don, an agent of the U.S. Secret Service. Despite her pain, she came here yesterday, along with other victims of terrorism, and made one of the most eloquent statements I have ever heard on the issue. She said:

In an effort to be caring and honorable human beings, we have granted perpetrators of violent crime much more than their constitutional rights. Our caring and honorable

intentions have been misdirected. Instead, we as a society have been cold and heartless, because we have forgotten the innocent victims of crime. We have forgotten the sheer terror of the victims immediately prior to their death. We have forgotten that anyone who could murder an innocent human being has relinquished his rights for compassion.

That is what Dianne said. Mr. President, that is what this is all about. It is not about whether this bill is weaker. We all know that it is not. It is about whether we will stand with the victims of terrorism and violent crime or not.

I am not sure we can ever provide justice to those families in this life. I hope, however, that we can, perhaps, bring some peace to the survivors of that tragedy in that we can enact this antiterrorism legislation in their memory. For once, just once, I hope we can put aside the partisan wrangling that often occurs here and simply do what is right—just once, on a bill like this. It is my firm belief that passing this conference report represents the right thing to do.

The legislation that Representative HYDE and I have negotiated represents a landmark bipartisan effort to prevent and punish acts of domestic and international terrorism. Indeed, the Republican Governor of Oklahoma and the Democratic attorney general of Oklahoma both support this legislation—strongly support it.

I would like to note the efforts of Representative CHUCK SCHUMER, CHARLES SCHUMER, of New York, in working with us to craft this legislation. Representative SCHUMER, who signed the conference report as a Democrat, made significant contributions to the final product. We tried to accommodate our colleagues on the other side to the extent that we could—in fact, on both sides of this issue, as we negotiated this measure. Our majority leader, Senator DOLE, was instrumental in moving negotiations on this bill forward. With Senator DOLE's leadership, we were able to put back into the bill many of the provisions that the House had removed. Without Senator DOLE's able leadership, I do not think we would have been able to have a bill that is as tough on terrorism as this one is.

Let me just give a few of the major areas we were able to agree on and get back into this bill that made it much closer to the Senate bill.

The terrorist alien removal provision: We restored the terrorist alien removal provision which allows courts to expeditiously deport alien terrorists. The court can consider classified evidence without disclosing that evidence to the alien.

We put back in designation of terrorist organizations. This has greatly pleased a number of civil liberties organizations, and I have to say the Anti-Defamation League. We worked with the House on language to allow the President to designate foreign terrorist organizations. This provision was not in the House-passed bill. A weaker version than this one was in the Senate bill. This tougher version eliminates an entire level of judicial review and allows the Government to freeze the assets of foreign terrorists before the designation becomes public.

On the issue of fundraising, we make it a crime to donate or accept funds for foreign terrorist organizations. The House had removed this provision. The Senate bill contained that provision. It is a big, big provision.

We have summary exclusion of alien terrorists. The Senate prevailed in including a provision which creates a new legal basis for automatic alien exclusion from the United States when the person is a representative or member of any designated foreign terrorist organization.

On biological weapons, we also succeeded in getting the House to toughen up regulations dealing with the transportation and sale of human biological agents which could be used as weapons of mass destruction.

The criminal alien removal procedures—the Senate bill made it much easier for an alien who had been convicted of an aggravated felony to be deported. The House bill was definitely weaker on that point. We prevailed. We put the Senate language back in.

These are big concessions by our colleagues over in the House, some of whom have problems, some of whom are worried that Government is too intrusive in all of our lives—and I think rightfully so, in many ways. But we got these things in.

On authorizations, the House bill had virtually no funding for Federal law enforcement on this antiterrorism area. The Senate bill had a little over $2 billion over 5 years. We agreed on $1 billion in funding for Federal and State law enforcement over 4 years. We have already spent almost a half billion dollars this year—maybe a little more than that. So, in essence, we got the Senate funding into this bill.

On taggants, we have put taggants on plastic explosives, which are the primary explosives used by terrorist organizations and by terrorists. There will be taggants on there so we can determine the source. With regard to other explosives—because even the OTA, even ATF, admit that there may be some danger involved in putting taggants in other explosives—they are not sure of being efficacious for law enforcement, or even cost effective to do so, and to mandate that—we provided for a study for a year. Then we provided for a means whereby the regulators can come up with their regulations—if that study shows that it is environmentally sound, economically sound, law enforcement efficacious, and that it is not dangerous—then the regulators can come up with regulations on taggants, and then the Congress will have to make a determination whether they accept those regulations or not. Those are just a few of the things that we put back into this bill.

We were able to craft legislation that adds important tools to the Government's rights in the Government fight against terrorism, but we do so in a temperate manner that is protective of civil liberties.

Most important, this conference bill contains the habeas corpus reform proposal contained in the Senate terrorism bill. The House adopted it word for word. The present habeas corpus allows those who are convicted of brutal, heinous crimes to delay the imposition of just punishment for years. The habeas reform proposal contained in this legislation will end the ability of those heinous criminals, those violent criminals—those murderers, if you will, those justly convicted—to delay the imposition of their sentence.

Habeas corpus reform is the only substantive provision in this bill that will directly affect the Oklahoma bombing situation. If those being tried for the bombing are convicted, our habeas corpus reform language will prevent them from delaying the imposition of their penalties on frivolous grounds. And we have all seen that year after year in every jurisdiction in this country.

In Utah, we had one case that went 18 years, the ''hi-fi murderer,'' where he and his buddy went in there, where they tortured these people, rammed pencils through their eardrums, poured Drano down their throats, and murdered them in cold blood. No question of guilt, no question of any prejudice against them, they were convicted and justly sentenced to death.

Mr. President, 18 years later, 28 appeals all the way up through the State courts to the State supreme court, all the way up to the Federal courts to the Federal Supreme Court—28 appeals, millions of dollars spent before that just sentence could be carried out. And that is going on in a myriad of cases all over this country. Rather than exploit it, the devastation of the Oklahoma City bombing, I believe that by including this provision in the antiterrorism legislation, we are protecting the families of the victims.

Comprehensive habeas corpus reform is the only legislation Congress can pass as a part of this terrorism bill that will have a direct effect on the Oklahoma City bombing case. It is the one thing Congress can pass now to ensure that President Clinton's promise of swift justice is kept.

President Clinton recognized this fact during his April 23, 1995, appearance on the television program ''60 Minutes,'' when, in response to a question about whether those responsible would actually be executed without the adoption of habeas corpus reform, he said, ''I do believe the habeas corpus provisions of the Federal law which permit these appeals sometimes to be delayed 7, 8, 9 years, should be changed. I have advocated that. I hope the Congress will pass a reform of the habeas corpus provisions because it should not take 8 or 9 years and three trips to the Supreme Court to finalize whether a person, in fact, is properly convicted or not.''

That is the President of the United States. Last Sunday, he called me. I was grateful for that call. It was late at night, and he called me at home before he left for Alaska. He wanted to have me bring him up to speed on what we were doing in the conference, what we were doing in the negotiations on this bill. And he said to me, ''I wish we could shorten the time. If I had my way, I would shorten the time, shorter than what you have in this bill.''

I said, ''That will be great, but I don't think we can do that at this point. This bill is fair.'' I pretty well acknowledged that. He noted he would not veto this bill based on the habeas corpus provisions.

I explained some of the other changes we made, and he seemed pleased, because he knew we made great strides in trying to get a better bill that will really do the job, and this bill will. It does not solve every problem, but it sure goes a long way toward solving problems in the past and, above all and even more important perhaps, in the future.

The claim that habeas corpus reform is tangential or unrelated to fighting terrorism is ludicrous. We can be confident that those responsible for the bombing in Oklahoma will be brought to justice. The American people do not want to witness the spectacle of these terrorists abusing our judicial system and delaying the imposition of a just sentence by filing appeal after meritless appeal. A system which permits such a result does not provide justice for the victims of terrorism and simply has to be changed, and this bill will do it—one of the most important changes in criminal law in this century, and we are going to do it.

Although most capital cases are State cases—and the State of Oklahoma can still prosecute this case—the habeas reform proposal in this bill would apply to Federal death penalty cases as well. It would greatly affect the Government's prosecution of the Oklahoma bombing case.

No. 1, it would place a 1-year limit for the filing of a habeas petition on all death row inmates, State and Federal inmates.

No. 2, it would limit condemned killers convicted in State and Federal court to one habeas corpus petition. In contrast, under current law there is currently no limit to the number of petitions he or she may file and no time constraints. We have a case where a person waited 9 years to file a habeas petition on the eve of the carrying out of that person's sentence, clearly abusing the system.

No. 3, it requires the Federal courts, once a petition is filed, to complete judicial action within a specified time period. Therefore, if the Federal Government prosecutes this case and the death penalty is sought and imposed, the execution of sentence could take as little as 1 year if our proposal passes. This is in stark contrast to, in the Utah case, an 18-year case of delay we are so used to under the current system, and there are cases that are longer than the 18-year case.

President Clinton said justice, in the wake of the Oklahoma tragedy, would be ''swift, certain and severe.'' We must help President Clinton keep this promise to the families of those who were murdered in Oklahoma City by passing comprehensive habeas corpus reform now.

Unfortunately, while habeas corpus reform is the single most important issue in this bill and will directly affect the Oklahoma City bombing, there are some who would urge the President to veto the bill on the basis of this reform proposal. I sincerely hope that this does not happen, and the President told me it would not happen on that proposal. We should not put our concern for convicted killers above our desire to see that justice is done and carried out.

The Senate and House also worked together to restore many important provisions to the conference bill. For example, we restored the terrorist alien removal provision that allows courts to expeditiously deport alien terrorists. The Department of Justice requested this provision, and we worked with our House colleagues to ensure that this provision would be an effective means of removing alien terrorists from our shores, while at the same time protecting due-process concerns.

Second, we adopted tough new procedures that would permit the Secretary of State to designate certain foreign organizations that commit acts of violence as terrorist groups.

The designation procedure adopted in the conference report is much stronger than that contained in the original Senate bill. We have also criminalized fundraising efforts on behalf of designated foreign terrorist groups and provided for the exclusion of representatives or members of terrorist groups. I think that the recent bombings in the Middle East and in England are a tremendous problem, and they bring out the necessity of preventing fundraising in this country on behalf of organizations bent on killing innocent persons for political gain.

This bill also includes provisions making it a crime to knowingly provide material support to the terrorist functions of foreign groups designated by a Presidential finding to be engaged in terrorist activities.

We also succeeded in adopting tough new measures to regulate the transport and sale of human biological pathogens that could be used as weapons of mass destruction. This legislation increases the penalties for acts of foreign and domestic terrorism, including the use of weapons of mass destruction, attacks on officials and employees of the United States and conspiracy to commit terrorist acts. That has not been in the law up till now, and we are going to put it there, and it is going to be a tremendous prosecutorial tool against terrorist activity.

It gives the President enhanced tools to use as foreign policy powers to combat terrorism overseas, and it gives those of our citizens harmed by terrorist acts of outlaw states the right to sue their attackers in our courts.

Our bill also provides measured enhancements to the authority of Federal law enforcement to investigate terrorist threats and acts.

In addition to giving law enforcement legal tools they need to do the job, our bill also authorizes increased resources for law enforcement to carry out its mission. The bill provides $1 billion over 4 years for an enhanced antiterrorism effort at the Federal and State levels. The bill also implements the convention on the marketing of plastic explosives. It requires that the makers of plastic explosives make their explosives detectable.

I note that many of the provisions in this bill enjoy broad bipartisan support, and, in several cases, it passed the Senate on previous occasions. Indeed, we have worked closely with the administration during the development of this legislation, and many of the provisions in this bill have the administration's strong support.

The people of the United States and around the world must know that terrorism is an issue that transcends politics and political parties. Our resolve in this matter has to be clear. Our response to the terrorist threats and to acts of terrorism will be certain, swift, and unified. I think we have to redouble our efforts to combat terrorism and to protect our citizens.

A worthy first step would be the enactment of these sound provisions to provide law enforcement with the tools to fight terrorism. I, therefore, urge my colleagues to support this conference report.

Let me just also say there are some matters that we were not able to work out with the House that the distinguished Senator from Delaware and I would have preferred to have in this bill. We would have put in—and we did have it in the Senate bill—multipoint wiretaps. It would be a more modern way of going at this matter. Of course, we have people who move from post to post, and it should not be the obligation of our law enforcement people to have to go and get a warrant for every telephone that they move to.

I would prefer to have had that in here. We had it in the Senate bill. We were unable to get it in. I will tell you why. Because, frankly, there are people in the House who basically believe that the Government is too intrusive and that there needs to be a study done on the abuse of wiretapping and done on the needs of law enforcement for wiretapping before we make that step. I have to say, I do not particularly agree that it should not be in this bill.

On the other hand, the study will do well. And I have committed myself, as chairman of the Judiciary Committee, and as a leader on that committee, to get that study done and to make sure

that ultimately we resolve these problems in a way satisfactory to our law enforcement people.

There are some other matters that may not be in this bill. We have not been able to put everything in here that the distinguished Senator from Delaware and I would put in this bill. But it is a terrific bill. We have a lot more in this bill than in the original bill filed by the President before the Oklahoma City bombing, and I might add in the original bill filed by the Senate through Senator BIDEN after the Oklahoma City bombing.

By the way, there were no multipoint wiretap provisions in either of those President's bills. And so, you know, it is easy to see that some may try to make political hay out of that. But what the legislative process is is the art of the possible. There are other things we would like to have in this bill. They are not there. But we have both parties together, both bodies together. I think we have a bill that basically will make a real dent in the matter of terrorism.

Let me just say this. One of our problems with regard to the multipoint wiretaps was that when the bill came up they called them roving wiretaps. Just that semantic term caused angst in the hearts of a lot of people around our society. I might add that the roving wiretap provisions were, I think, in the second bill filed by Senator BIDEN on behalf of the President. And if we called them multipoint wiretaps at that point, we might have been able to keep them in. I would prefer that they be in. But I do not think that the fact that they are not in should stop us from passing that which can pass now, that which is needed to fight terrorism, that which we have done and that which we can have done, and can do at this time.

Let me just say in closing, that this is one of the most important bills in our country's history. It is not perfect, but it goes a long way toward preventing terrorist activities in the future. It goes a long way toward attacking these criminals the way they need to be attacked. It is a tough on crime bill. Could it be improved? Sure.

I want to also say that without the leadership of our majority leader, Senator DOLE, this bill would not be here today. He stood with us every step of the way. He worked with recalcitrant Members in both the Senate and the House in both parties. He has handled the matter well. And, frankly, I think he deserves an awful lot of the credit when this bill passes, if not the lion's share of the credit.

So I would just plainly like to make these points and just say this in conclusion, that I really want to pass this bill this week, hopefully tonight, if not tomorrow, and then get it through the House, so that we can say to the people in Oklahoma City on Friday that we, as a Congress, in a bipartisan way, both Democrats and Republicans, with nobody really trying to take the credit for it, have done what is right for them. Frankly, when we pass this bill we will have done what is right for them.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, let me begin by acknowledging that my friend from Utah supported a vast majority of the amendments that I am going to offer—not amendments—I am going to offer motions to recommit this bill with instructions to go back to the Senate language.

Let me acknowledge that I think both the Republican leader and the chairman of the Judiciary Committee, Senator HATCH, and the chairman of the Judiciary Committee on the House side, Mr. HYDE, are all in a difficult position. I acknowledge that.

Let me acknowledge that Senator DOLE deserves responsibility for this bill. I think he does. I think he deserves the responsibility for also what is not going to be in this bill because we are backing off after votes, which I am about to go through, of 91 to 6 and 99 to 0 and unanimous consent agreed. All the things I am going to offer here were passed overwhelmingly by the Senate. And we caved.

We caved so quickly on the House side it was like watching water go over a waterfall. I do think the leader bears responsibility for that as well, for not exercising his authority there because—I want to say at the outset here—I found this was the first time in any conference I have ever attended, even when the Democrats controlled the Senate, which they did off and on for the period I have been here, where everyone at a conference, but two, acknowledges that everything I am offering is correct and right but we are not going to do it because a minority of House Members do not like it.

I will not, because I am afraid I will misspeak—and I do not have the transcript—I will not use the description the minority members used of the Republican leadership in the conference on the House side because I may misspeak and create a little dilemma. But I will try to dig that up for the RECORD. But this is the first time I am aware where a major piece of legislation, where the Senate on the critical points have agreed overwhelmingly—overwhelmingly; I mean, 90 to 1 kind of overwhelmingly—and we have caved to the House, where the leader of the House in the conference said, ''You're right, Senate. But I just cannot pass it if I take it back.''

I think there is a thing called accountability. I think we should pass what we think is right, and let them vote against it. So if they vote against it, let them pay the consequences. And if they vote against it, and do not have the votes, then we can come back and try to get what we can get. But this is not even where we have challenged what was described to me as a minority of the Republican caucus on the House side.

They did not like it. Too bad. This is democracy. Too bad. There are a lot of things I do not like. I lose. I lose. But they did not like it. My goodness, 72 or 41 or 57 freshmen Republicans in the House do not like it. Great. So, yeah, I think that the leadership deserves credit and responsibility for not only what we are doing but what we are not going to do, apparently.

Second, the conference report—the majority leader stood up and said—and I have great respect for the majority leader, I truly do. I think over 23 years I have demonstrated it. He is a bright, competent leader. But he stood up and he said the conference report is essentially what we passed. It is not even close to what we passed in the Senate. It is not even close, which I will outline here in a minute why it is not even close to what we passed in the Senate.

The third point I would make is my friend from Utah and I have had sharp disagreements over habeas corpus for the last 15 years. They still exist. He is right in one important respect. This is a great habeas corpus bill. That is what this is. This is a habeas corpus bill with a little terrorism thrown in. I am not going to make any motions or move to strike the habeas corpus provisions. If we put back things in these provisions, I am willing to swallow the habeas corpus provisions, if we have a tough terrorism bill underneath it.

A year ago this week the American people experienced the unthinkable. Terrorists planted a bomb in a Federal building in Oklahoma City and hundreds of innocent citizens were killed or wounded. Families were faced with tragedy and chaos. And the Nation was catatonic.

In response to this horrendous crime that was committed, as well as the earlier terrorist bombs of the World Trade Center and Pan Am 103, the Senate passed a tough piece of legislation, in a timely fashion, to the credit of the majority leader and the minority leader. The House sat on it for the better part of a year. They would not even let their membership vote on it because apparently a minority over there thought that there was too much intrusiveness on the part of the Federal Government.

Does it not seem kind of coincidental to all who may be listening that after a year we are finally urgently bringing this bill up on the week of the anniversary of the bombing? Where was it a month ago, 3 months ago, 5 months ago, 7 months ago?

Now, the bill that we passed addressed both international and domestic threats of terrorism, and it carefully balanced the need for new law enforcement authority against the civil liberties that are so important to all of us. The bill also built upon work that had been done a year before in the Senate crime bill—now the crime bill, the Biden crime bill. It was the Biden-Hatch crime bill. I do not know whether he still wants to take credit for it. It was the Biden-Hatch crime bill. It is

now the crime law of the United States of America.

Guess what? There would be no death penalty for the two people about to be prosecuted were it not for the crime bill, were it not for the crime bill we passed, and the President led the way. There would be no death penalty because it is a Federal case, Federal law. There was no Federal death penalty for this.

My friend is talking that unless we change this habeas corpus provision, the Oklahoma bomber will go free. If those who voted against the crime bill had prevailed, there would be no death penalty even available to be brought against those accused of the bombing in Oklahoma City under Federal law. They would have to try it in State court without the resources of the Federal Government to deal with it. We kind of rewrite history around here. As my friend from Wyoming often says, everyone is entitled to their opinion, but they are not entitled to their own facts.

Let me also point out something else. On building on the crime bill the Senate passed, the terrorism bill that focused narrowly on a terrorist threat, unfortunately, the House then delayed. It finally passed a bill that pretty much took terrorism out of this bill. Now we face a conference report that is only partially approved. I strongly support the Senate-passed version of the terrorism bill, despite the fact that I did not like what we did and how we did reform habeas corpus. We have never had a disagreement that we have to reform habeas corpus. The question is, Do you eliminate it essentially, or do you reform it? This bill essentially eliminates it at a State level. Quite frankly, reform is needed to stop abuse of the writ of habeas corpus.

My friend, and he is a very able lawyer, trial lawyer, stood here and talked about how this is the most important thing to deal with terrorists—habeas corpus. Let me remind everybody who may be listening: In order to file a writ of habeas corpus, one has to be behind bars already. Got that? You already have to be in jail, convicted of a crime. When you file a writ of habeas corpus, you write it and you slide it between the bars and you send it via a court officer to the judge. You are in jail.

Now, how does that prevent terrorism? It needs to be reformed. The abuses must be eliminated. It has nothing to do with stopping terrorism. I think that is what we are about. Is this not about trying to stop terrorism?

Now, second, this is a very complicated subject that the Senator from Utah knows very well because he is a capable lawyer, and the Presiding Officer knows well because he is such a capable prosecutor. I mean that sincerely. Not a lot of lawyers understand habeas corpus. They know it is a great writ. If you sit down and ask them to explain in detail the difference between Federal and State habeas, they get lost. It is complicated and easily lends itself to exaggeration.

Putting this in focus now, every single case that I am aware of—and I may be mistaken—that my friend and his two competent staff people come up with are State court cases—every single one that I have ever heard. There may be one that I have not heard. Every one that Senator THURMOND comes up with, which are legitimate to come up with, every one I have mentioned, they are State cases.

Let me explain what I mean by that. It means that somebody was indicted and/or on information arrested, taken to a State court, tried under State law, convicted under State law, made appeals under State law, instituted their attempts under State habeas corpus to say, ''No, I was wrongly convicted. My constitutional rights were violated when they convicted me. Do not set me free, but give me a new trial.'' That is what habeas does. It does not find you not guilty. It requires you get a new trial if it is granted and, ''Send me back to State court to be tried again.''

Now, what happens? All the delays, 99 percent of the delays—let me be conservative—90 percent of the delays, take the best case to my friends, are delays when you are in State courts, State courts, State courts. Now, what are we talking about in the terrorism bill? What is this bill we are passing? Is this a State bill? No; it is a Federal bill.

If someone violates any provisions of this bill that we are about to pass, what happens to them? Do they go to State court and get tried in State court, and are they subject to the delays that occur in State courts? No; they go to a Federal prison. They get tried in a Federal court. They have Federal judges. They have Federal prosecutors. They have Federal people. No State judge gets to say a thing. No State prosecutor gets to appear in any position other than if they happen to be a witness.

Now, where is the delay? Where is the Federal habeas corpus problem? My friends do not cite any. Even if they do, we have a provision in here that I support. We set a strict limitation in Federal court, in Federal habeas corpus, with a Federal prisoner, tried under a Federal law, convicted in a Federal court, sent to a Federal prison, that they have *x* number of months in which to appeal their case, to make their habeas appeal. They get one bite out of the apple. That is fair. But it does not even deal with anything anybody argues is a problem. It just guarantees if there is any problem, it will be corrected, and if there is not, it will not occur.

Now, say somebody is convicted under this law. They are convicted under this new law we are passing. Where are they going to go? They are going to go to Federal court. Now, how does changing all the State habeas corpus cases have anything to do with terrorism? I would like to know that one. That is a fascinating notion, what we call in the law a non sequitur. It does not follow. It sounds reasonable. All the people sitting in the gallery when Senator HATCH, a worthy and knowledgeable advocate, stands up and says, ''This is very important. Habeas corpus is the most important tool we have to fight terrorism,'' you all go, ''I know Habeas, and I know Corpus, and they are real tough people. They are out there bombing people.'' Or, ''Boy, I know that makes sense. I know about all the delays. He is right.''

It has nothing to do with State courts because, by the way, I say to the Presiding Officer, who knows this well, if it is in a State court, it is not a Federal crime. If it is in a State court, the Federal Government is not prosecuting. If it is in a State court, it is not international terrorism. If it is in a State court, it is not a terrorist under this bill.

Now, what is the obverse? If it is in a Federal court, there is no evidence of delay on habeas corpus to begin with. But even if there is, we do correct it in this bill. But even if it is a problem, and even if we correct it, the only way you get the person who is filing the habeas corpus petition is if they are already in jail convicted. Now, tell me—I ask, if I could, folks watching this, how many of you feel if we could say in a blanket way, ''We guarantee you that anybody already behind bars—already behind bars—will be executed in a timely fashion if convicted of a capital offense,'' that will solve our terrorism problem? Do you all feel better now about terrorism? Do you all feel more secure about whether anybody will go in the New York subway with saran gas?

You all feel better that someone is not going to come up with—another wacko—one of these bombs they make out in some field in southern Delaware or northern Delaware or Montana or Alabama, and blow up a building and kill children—do you feel better? This is crazy.

This is crazy. It may be needed just like health insurance may be needed, just like better highways may be needed. But what does it have to do with terrorism? Let me give you the one possible nexus. Here is how it goes. The only intellectually, in my opinion, legitimate argument that connects it to terrorism goes like this; it says that if we convict a terrorist and send a terrorist to jail, and if a terrorist is not able to abuse the system—which nobody is arguing that the Federal habeas system is being abused anyway, and they know they cannot abuse it and they are likely to go to death in 6 months or 6 years, then they might not have committed the terrorist act in the first place. That is the only intellectually credible argument to be made as to how this could deter terrorism. Granted. So let us put that provision in the bill. But let us not go forward and say, with all due respect, this is going to change terrorism. I just asked a rhetorical question. Go back home and ask your constituents if they know that

the appeal time has been cut from an average of 6 years to 6 months for people already convicted, and do they think we have licked terrorism. They will tell you that we imposed justice, they will tell you that we eliminated abuse, they will tell you that we saved money—all of which is true. But I defy you to campaign on the notion that you stopped terrorism by changing habeas corpus. Remember, folks, you already have to be in jail, convicted of a crime, in order to be able to file one of these petitions that you then abuse.

Now, the Senate-passed version of this bill really did do some things beyond habeas. It had all this habeas stuff in it, which, by the way, is a phenomenal overreach, but that is a different issue. I am not going to fight that again. I will register here just that the changes in Federal habeas make sense. The changes essentially say you cannot review State court decisions in a Federal court as to whether or not the State court accurately interpreted the Federal Constitution. That is a bad idea. That is saying that you cannot review, as a practical matter, State court judges' decisions on the U.S. Constitution in a Federal court.

I will not go into the history of why we did this in the first place back in the late teens of this century. But that is another issue. This is not an antiterrorism bill because it limits State habeas corpus. Unfortunately, what we have before us today is a conference report from which some of the most critical antiterrorism provisions are missing. My efforts to restore these tough provisions during the conference were unsuccessful. Despite the fact that the Republican chairmen on both sides, to their credit, acknowledged that they were good provisions, acknowledged that they were important provisions, acknowledged that they would work with me to pass these provisions in another form at a later date, and acknowledged that law enforcement needed some of these provisions very badly—notwithstanding that, notwithstanding that the majority of the members of the conference agreed with me, we voted them down.

I say to my friend from California, who has not been here as long, I found it to be a fascinating experience that never happened to me before. I am used to getting beat flatout. I get beat a lot. I am used to that. I am used to winning once in a while, too. But I have never been beaten where everybody agrees with me and then they say, ''We cannot agree with you, JOE, because those guys and women over in the House, the minority within our party, do not like it.'' That is like me saying the four remaining liberals in the U.S. Senate—if there are that many—do not like something. Therefore, even though you are right and I agree with you, I am not going to go along with it.

I am not being facetious. I respect their position because they want a bill badly. Apparently, the majority leader believes he needs a bill badly. Apparently, the President is concerned about having a bill. I am concerned about having a good bill. I am concerned about having the kind of bill we should have, the kind we passed. It was passed 91 to 6. That is the bill I am concerned about having. I was told the Republicans would oppose including these needed provisions in the bill because a group of Republicans in the House could not support the bill if they were included. In other words, a faction of Republicans—I might add that some liberal Democrats are agreeing with the ACLU. That is a fascinating combination. You know that phrase ''politics makes strange bedfellows.'' I want to tell you something. George Bush, or somebody, made famous the ACLU card, who carries that. When you have the people who carry ACLU cards and those who carry NRA cards sleeping in the same bed, it is fascinating. I would love to be in one of those meetings with the gunowners of NRA and the ACLU. Everybody is smiling. They are trying not to because they know how preposterous it is. It is fascinating. I am not being critical of either of the groups. It is human nature. They have objections for totally different reasons, as I understand it. They are a minority, no matter how you add them up. Yet, the majority in both parties is going to kowtow to them.

I, quite frankly, do not understand this antipathy to fighting terrorists and holding them accountable. I do not understand how a small group of House Members has been able to seize control of the democratic process and block provisions that the vast majority of us support. I think it is wrong, and I think we in the Senate should insist on a terrorism bill that contains the tough provisions we passed more than 9 months ago.

Today I will offer a number of motions to recommit this back to conference so the missing provisions can be put back. We must send the President a strong terrorism bill that addresses the very real threat posed by those who know only the language of terrorism and violence. But they are here at home and they are also abroad. They are both places, and we have to acknowledge that. Almost a year ago, after the tragedy in Oklahoma City, Speaker GINGRICH issued a call to action. Let me quote him:

> This is the kind of exact moment when Americans ought to be Americans. We ought to pull together. We ought to send a unified response to terrorists at home and terrorists overseas that we are not going to tolerate this.

The Speaker was absolutely right. We should pull together and send a message to terrorists. Let me ask you all a question, rhetorically. You are a terrorist planning a bombing. You are planning to put a chemical agent in the water supply in Minneapolis-St. Paul; you are planning to use a chemical weapon in Athens, GA, or in Atlanta at the Olympics; you are a terrorist planning to blow up the pyramid tower, the Transamerican Tower in San Francisco, to make my point. Now, what are you going to be most concerned about? Remember, we said, using the Speaker's words, this is to send a message to the terrorists. You are a terrorist planning this bombing, OK, or planning an act. Are you going to be more concerned that the Senate has just given the FBI the authority to wiretap not just the phone that you use in your house, but the phone that you have in your car, the one you have in your pocket that you keep throwing away and getting a new one so you cannot be detected, and the phone at the corner that you use to communicate your activities; are you more concerned that they may allow the Government to tap all those phones you are using? Or are you going to be more concerned that they change State habeas corpus? What do you think? What is going to send you a message? Are you going to be concerned if you are a terrorist planning an activity that if, in fact, you walk into Macy's Department Store and you plan a terrorist act like the IRA, and instead of using the bomb you use shotguns, you call the President of the United States, or you call the Governor of the State of California and say, ''Unless you do the following, we are going to walk into one of the largest malls in Los Angeles and indiscriminately kill people.'' And you walk in with a shotgun—12 of you, 10 of you, 3 of you—and you blow away, indiscriminately, 10, 20, 30, 50, 100 Californians. Under this bill, you cannot be prosecuted in Federal court. Guess why? Because there is no Federal predicate. It is not a Federal crime to use a shotgun in the State. What is going to send you more of a message? That, or the fact that State habeas corpus has been changed? What are you going to do?

You are a terrorist. You decide you are going to use chemical weapons or biological agents. You are a terrorist. Now you learn that the Senate and the House just passed a bill that does not allow the Department of Defense, does not allow the military—the only ones with expertise in chemical warfare and biological warfare—does not allow them to participate in the investigation of your act. We affirmatively took that out of the bill.

What message are we sending terrorists? Are you going to be more worried about a provision that allows the military to investigate chemical and biological warfare against American citizens, or are you going to be more worried about the State habeas corpus? That is what we did. That is what we did. We took it out of the Senate bill. This is not chopped liver, folks. This is serious stuff.

Are you going to be more worried as a terrorist about to commit a crime, or having already committed one, that the Attorney General of the United States has the same authority that she now has with the Mafia; that, if she is

convinced that an imminent act of danger is going to take place by a particular individual, she can order a wiretap that will last for 48 hours, and within those 48 hours she has to go to a Federal judge, convince that Federal judge she has probable cause to put that in place in the first place, and, if she did not, it gets thrown out?

You can do it for John Gotti now. You can do it for organized crime now. But guess what? Our friends in the House decided you should not be able to do it for terrorists. What is the logic of that? Tell me.

I do not ever remember being as upset about what has happened to a piece of legislation. Tell me the message we send to terrorists. What is the message you want to send them? ''Do not stop here. Wrong place.'' What is the message you want to send them?

We have tools. If you are engaged in terrorist activities affecting Americans in the United States of America, to get you before you act, what are those tools? My friend was a prosecutor. Ask any prosecutor in here, ''What are the tools?'' Wiretaps, wiretaps, informants, information before the act occurs. But what do we do in this bill? We send a message to terrorists: ''Do not worry; no multipoint wiretaps for you.''

My friend from Utah says, correctly, that initially the President referred to the roving wiretaps. He says what the chairman of the House conference said, that that upsets people. They misunderstood. They thought they could indiscriminately put wiretaps. We know that is what they could do. The chairman of the Judiciary Committee knows it does not give the Federal Government that power, but because, apparently, whoever it was—talk show host, letter writers, or somebody—convinced them of that, they say we cannot pass it because the public misunderstands—misunderstands.

How many people in the public do you think understand accelerated depreciation for equipment in factories? What do you think? Does anybody stand here on the floor and say, ''You know, because it is difficult for the public to understand that concept, we are not going to pass tax provisions that relate to accelerated depreciation?''

How many people understand on this floor, or off this floor, how the International Monetary Fund works? Do we sit here and say, ''You know, because if we took an exam, the American public would not know what it meant, therefore, even though we know it is good, even though we know it is in the national interest, we should not do it.''

That is just what we said; because people misunderstand what a roving wiretap is, we cannot have one.

You are a terrorist. You are sitting there. You are the Unabomber—allegedly, assuming he got caught. You are sitting in your old cabin watching portable TV, battery driven, and you see the Senate goes out and says, ''You know, do not worry. We are not going to wiretap.'' First of all, ''I do not have a phone. It does not matter. But when I go use a pay phone, they cannot get me now.'' Are you going to know? ''My God, they have this change in habeas corpus now. I am going to really worry about whether I commit this crime.''

I mean, come on. Come on. Ask any police officer if you have a case on terrorism. Would you rather have a change in State habeas corpus or the ability to have emergency wiretaps? Would you rather have a change in habeas corpus, or would you rather have multipoint wiretaps court approved? What do you think they are going to say? What do you think they are going to say? If you ask them, ''Would you rather have the health care system of America reformed or have that provision,'' they may say the health care system of America needs reform, but it has not anything to do with terrorists. They may want habeas corpus, but it does not deal with terrorism. It does not mean we should not include it. It sure means we should not advertise this legislation as legislation that fights crime.

The destruction of Pan Am 103 reminds us that Americans are vulnerable wherever they are. The 1993 terrorist bomb at the World Trade Center in New York and the bomb blast at the Federal building in Oklahoma City were terrorist acts by anybody's definition. In response to the World Trade Center, Oklahoma City, et cetera, the President sent to the Congress the second bill focused primarily on international terrorism. Then, when the Oklahoma City blast occurred, he sent a bill that also addressed the domestic terrorist threat.

Here in the Senate, the majority leader, Senator DOLE, and Senator HATCH introduced a bill based in large measure on that proposal with some additions. They brought it to the floor within 2 months of Oklahoma City tragedy. The numbers in the President's proposals that were not initially included in the Dole-Hatch bill were added on the floor by overwhelming bipartisan support, and in the end the bill passed 91 to 8. Every one of the Senate conferees supported the bill. Think for a moment who we are talking about: ORRIN HATCH, STROM THURMOND, ALAN SIMPSON, JOE BIDEN and TED KENNEDY. It is not often you get this group all together on a major controversial piece of legislation. And, when you do, you can be sure that there is something we have seen precious little of around Washington: compromise and bipartisanship.

The product of this compromise and bipartisanship was a bill that struck a key balance, a balance about protecting Americans from terrorists on the one hand while at the same time preserving the individual liberties that are the very hallmark of our American way of life—and the very thing that terrorists wish to take away.

I am struck by an irony here. I am a guy who has been criticized about being too adamant about civil liberties. I am a person who has often on this floor been castigated by my Republican friends as being too concerned about civil liberties and am now being opposed by those who say these provisions that I feel strongly about pay too little heed to the civil liberties and give too many powers to law enforcement.

Ever since I came to the Senate 23 years ago, I have made it my top priority, my nonnegotiable priority, to fight for civil liberties. I take a back seat to nobody when it comes to standing against the unwarranted expansion of Government power and standing up for the privacy rights and liberties of all Americans. Yet, I am here in support of a tough, comprehensive, well-balanced counterterrorism bill that all of you supported as well. With all due respect to my friends in the House, the conference report does not strike that balance and it does not do the job that must be done to protect Americans from the threat of terrorism.

I believe Chairman HYDE was right when, during the House debate on the bill, he opposed the amendment offered by Congressman BARR of Georgia, stating, ''Passage of the amendment would leave the bill a frail representation of what started out as a robust answer to the terrorist menace.''

Let me say that again. On the floor of the House of Representatives the conservative chairman of the House Judiciary Committee, HENRY HYDE, when Mr. BARR introduced those amendments relating primarily, in this case, to the wiretap, said to his fellow Members of the House, if the Barr amendment passes, it will ''leave the bill a frail representation of what started out as a robust answer to the terrorist menace.'' He was right then. He is right now. What we have before us is a useful but frail representation of what started out to be a robust message sent to terrorists across the world, which was, ''Not here in the United States. We are empowering law enforcement, with the due respect and regard to American civil liberties, to have additional tools to fight terrorism.'' That, unfortunately, is not what has happened.

Today, I and others will offer motions to recommit the bill to conference with the intent of saving this terrorism bill. I believe my friend when he says to me that, if this bill passes without being strengthened to something like it was before, that he will work with me to create another separate bill to add all these provisions that I want in the bill—or that we want in the bill. I believe him.

But we know the process. This is going to be an extremely political year. The idea of anything passing here, with Senator DOLE as the leader running for President, that is going to upset the folks over on the House side in the minority of his party, I think is less than real. It is understandable. It would be the same if there was a Democratic leader running for President. It

is not likely to happen. I doubt whether anyone here will stand on the floor and tell you there is even a 1 in 10 chance of passing any of the things I am going to raise or my friend from California is going to raise as independent pieces of legislation. This is our chance.

So, at a minimum we are talking about a year or two delay. And how many terrorist acts might we have prevented if we had given the law enforcement officials the tools that we are taking away from them here? How many? Pray God none. Pray God someone will be able to be here, assuming I am here in 2 years, to stand on the floor and say: ''BIDEN said in mid-April of 1996 that if we do not put these provisions in the bill, we would have lost the ability to stop some terrorist acts. I would like to say to Senator BIDEN, there have been no terrorist acts in 2 years, so he was wrong.''

I will gladly, overwhelmingly, with joy in my heart, say, ''You were right, Senator. I was wrong. We did not have any terrorist acts in 2 years.'' But, can anybody deny that denying the Federal Government the ability to wiretap like they can for the Mafia, denying the Federal Government the ability, with probable cause signed by a Federal judge, to wiretap people suspected of terrorist activities—that is not going to enhance the chance we stop it?

Today we will have a rollcall on a number of these votes. Today, I and others will offer motions to recommit the conference report. We must restore what the President, Senator DOLE, Senator HATCH, Chairman HYDE, Representative MCCOLLUM and many others on both sides of the aisle in both Houses thought were important at one point, which is to take a clear and unequivocal stand against terrorists, whether they are overseas or in our own homeland.

As the President has said, we must be guided by three bottom-line goals. First, we must protect Americans without curtailing Americans' rights. Second, we must give law enforcement officials the tools they need to protect Americans from terrorist attacks. And third, we must make sure that terrorists are not given safe haven, support, and comfort here in our country.

I end by complimenting my friend from Utah for fighting hard to get these and other provisions back in the bill. He got some of them back in the bill in a conference, in his meetings with House Members. But in my view, he did not get the single most important provision in the bill. That is why, as a Congress, we must give the FBI authority to use wiretaps in criminal investigations; where we wrote special stringent protections into the statute in order to protect legitimate private interests. Each and every one of these protections range from strict probable cause showing to approval by a Federal judge to a requirement that officers minimize intrusive wiretaps, and time limits on any authorization will remain in the law. Wiretap proposals I will seek to include in the conference report are limited and modest, but they are urgently needed so we can identify and stop terrorists before—before—before—before—before they strike.

In the Senate, Senators NUNN and THURMOND hammered out a very limited and commonsense provision to involve the military if we should ever, God forbid, face an emergency involving biological and chemical weapons of mass destruction. Remember, we are talking about only technical and logistical support from the military, not law enforcement. We are talking about an emergency involving biological and chemical weapons of mass destruction; something the military is especially trained and equipped to deal with. The military, I might also add, has this limited authority when it comes to nuclear weapons now. Senator NUNN has now perfected that language, and we should include his provision in this bill.

The conference report also fails to include a number of other provisions in the Senate bill which I believe the conference report should contain, including the following: We should add terrorism crimes to the list of RICO predicates, that is those laws which are designed to deal with organized crime, and make the penalties harsher. We should make it a crime to teach someone how to make a bomb when they intend it to be used. That is what the Senator from California will speak to again. We should extend the statute of limitations for certain firearms offenses, as we do for other offenses.

All the provisions I have just mentioned were contained in the Senate bill which, as I said earlier, passed with the votes of 91 Senators and all the votes of us representing the Senate in the conference. What is more, at the same time that the conference bill goes easy on terrorists, it gets tough on law enforcement officials. For example, the House had stripped from the original bill a provision that would have helped protect police officers from cop killer bullets.

Let me explain that just for a minute. In 1986, and again in 1994, the Congress outlawed a few bullets capable of penetrating body armor worn by our Nation's police officers for their protection. The key problem with this approach is that it is possible, indeed altogether probable, that a new bullet can be manufactured and brought to the market before Congress can pass legislation to stop it. For that reason, many had sought a performance test. In other words, let us all agree on a test that will determine what kinds of bullets can penetrate the body armor typically used by police officers. Then bullets that fail the test, so-called cop killer bullets, would be banned before they can see the light of day or kill a cop.

The bill reported out of the House Judiciary Committee by Chairman HYDE contained the first modest step for this commonsense approach. It contained a study, just a study to determine if there is a fair test to determine whether or not a cop killer bullet is just that or is not that.

But even this modest step forward was changed in the conference report. The conference bill includes a provision added on the House floor to study how police officers are killed, with mandatory participation by national sporting organizations. What do they know about cops being killed?

The study is a setup.

We already know that armor-piercing bullets have never actually killed a cop, but that result is because we have been able to ban armor-piercing bullets before they are marketed. So the so-called study in the conference report is a first step, it seems to me, in an effort to stop any action that may keep cop-killer bullets off the street. I found this astounding.

It seems to me the conference report, while stripping out a number of provisions to crack down on terrorists, would make our law enforcement officers, who every day put their lives on the line, fair game for criminals in ways they are not now.

The conference report orders a commission to study not the terrorists but Federal, State, and local law enforcement officials who work to protect Americans from terrorism. Again, I find this astounding. I hope the police officers of America are listening to this. This bill calls for a study of American police officers. Did you hear what I said? A study of American police officers, not a study of terrorist groups, a study of American police officers.

I want to repeat, it is my intention to send the President a tough comprehensive bill. Since the conference report does not meet this standard, I will offer a series of motions to recommit the bill so that we get it right.

I hope all of my colleagues will support just what they supported before. I am not asking anybody to change their mind. I am satisfied if the six people who voted against it before vote against it again, but I hope that we have a principled vote here where people vote the way they did before on these issues and not be cowed by a minority in either party, in either House at any time. I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Utah.

PRIVILEGE OF THE FLOOR

Mr. HATCH. Mr. President, I ask unanimous consent to permit Nick Altree, Sammy Linebaugh, and Christina Rios privilege of the floor during the pendency of the terrorist bill.

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

Mr. HATCH. Mr. President, I have enjoyed my colleague's remarks. Senator BIDEN made some good points; some are not good, in my view. The most important issue in this debate happens to

be habeas corpus reform. The one thing—the only thing—the one thing and the only thing that the Oklahoma victims have asked for, the only thing they mentioned and they asked for was habeas corpus reform. The survivors of that tragedy know that habeas is the most important issue for them. Habeas is particularly relevant here because the district attorney for Oklahoma City has promised—he has promised—that the perpetrators of the bombing will be tried for murder in State court. Thus, habeas corpus reform applies, because this bill applies to both Federal and State proceedings.

Moreover, there is evidence that delay exists in the Federal courts, contrary to what my dear friend and colleague has said, and this habeas proposal places limits on Federal petitions for habeas corpus as well.

The game is going to be over. The victims understand it. Thank God the rest of us are not victims of that bombing, but they understand it. They know darn well this is the only provision that really will make a difference in their lives. So habeas clearly applies to this situation.

The point is that justice delayed is justice denied. It is impossible to stop a terrorist attack that is motivated by political fanaticism, and that appears to be what we have here and it appears to be what occurs in almost every terrorist attack. But it is possible to ensure that the perpetrators are punished. Justice delayed is justice denied.

I also point out to my friend and colleague that the bill does contain tough antiterrorism provisions, contrary to what he indicated that this is the only provision this bill is all about and it is the whole bill. It is not at all.

No. 1, we have the designation of foreign organizations as terrorist groups provision. It is a very, very important change in criminal law. It is a tough thing.

The bill includes provisions making it a crime to knowingly provide material support to terrorist functions of foreign groups. This provision is aimed at cutting off the dollars and, thus, the lifeblood of foreign terrorist organizations that are wreaking havoc and destroying lives all over the world.

The United States provides a lot of that money. People do not realize that here. They do not even realize we have up to 1,500—and I am just using very modest figures, these are figures from 10 years ago—at least 1,500 known terrorist groups and people in this country that we are watching and monitoring. Most people in this country do not realize how important this is, but the victims of the Oklahoma City bombing, the World Trade Center, the Lockerbie bombing, they all know what is involved here, and that is what they asked for yesterday, and the reason they did is because they know it is going to make a difference.

I worked hard to ensure that this provision will not violate the Constitution, that is the provision on habeas corpus reform. We have worked hard to make sure it does not violate the Constitution or place inappropriate restrictions on cherished first amendment freedoms.

Nothing in the habeas provisions of this bill prohibits the free exercise of religion or speech or impinges on freedom of association. We are talking now about material support to terrorist functions of foreign groups.

Moreover, nothing in the Constitution provides the right to engage in violence against fellow citizens or foreign nations. Aiding and financing foreign terrorist bombings is not constitutionally protected activity.

Additionally, I have to believe that honest donors to any organization want to know if their contributions are being used for such scurrilous terrorism purposes. We are going to be able to tell them after this bill. This is an important provision. It is a major provision that we would want to pass whether we have habeas corpus in here or not, although the habeas provision is extremely important.

Inextricably linked to this provision on being able to deter alien financing of foreign terrorist organizations is the related issue of the designation of certain foreign organizations as terrorist organizations to which the fundraising ban would also apply.

I sympathize with the concerns that have been raised on this issue. However, I believe that there can be no effective ban on terrorist fundraising unless the Government is given limited power to designate which foreign groups are, indeed, engaged in terrorist activity. The United States has a responsibility to its own citizens and to the world community to help cut off funds flowing to terrorists. I am convinced we have crafted a narrow but effective designation provision which meets these obligations while safeguarding the freedom to associate, which none of us would willingly give up.

So that provision of financing of foreign terrorist organizations is very important.

No. 2, we provide a provision in here for the exclusion of members of terrorist organizations. We will not even let them come into this country. Right now they can and they do. We are going to get tough on that, and this legislation provides that type of law.

It is important stuff. This is not just habeas corpus, although that is important in and of itself. It is the only thing that the victims yesterday called for. They said it is the one thing they want more than anything else. But these other provisions are important, too.

No. 3, we have a prohibition, like I say, on terrorist fundraising activities in this society.

No. 4, we prohibit financial transactions with terrorists, and we provide the language that will help to do that.

No. 5, we adopt regulations on human pathogens to prevent terrorists from using deadly human pathogens to harm our citizens. By enhancing penalties for and restrictions on the use of biological agents, the Antiterrorism and Effective Death Penalty Act of 1996 would decrease the opportunities for terrorists to perpetrate their crimes with biological weapons.

It may surprise even the American people to know that very dangerous, even deadly, organisms that cause diseases and death in human beings are available for purchase, not only by legitimate users, but also by those who may use them with criminal intent.

We have had instances where a phonied-up letterhead, looking like a research institution, has applied for human pathogen problems and biological agents that could cause death to humans. Because these agents cause such devastating diseases as bubonic plague and anthrax, it is crucial that the Federal Government more closely regulate, monitor their movement over both interstate and foreign channels of trade. While I strongly favor a reduction in the Government's overall regulatory posture, there is a clear and present danger with respect to the threat of biological terrorism.

To give you just one example, the Washington Post recently reported that in May 1995 an Ohio man, using letterhead that appeared to be a legitimate laboratory, faxed an order for three vials of the bubonic plague agent from the American Type Culture Collection, the ATCC, in Maryland. After a series of events, the FBI later discovered that this individual already possessed deadly microorganisms in addition to a cache of rifles, grenades, and white separatist literature. Although the man was prosecuted under mail and wire fraud statutes, these charges might not otherwise have been available had he not sent the bogus letterhead.

For example, gaps exist in the current regulations that allow anyone to possess deadly human pathogens. Thus, in turn, it makes prosecution of people who attempt to acquire them, even for illegitimate purposes, very difficult indeed. Under current law then, law enforcement authorities must wait until human pathogens are actually used as weapons before criminal prosecution may be pursued.

In response, this bill strengthens law enforcement's hand by prohibiting conspiracy, threat, or attempts to use biological weapons, in addition to their acquisition and their possession. The fact that human pathogens are available to several legitimate groups poses unique regulatory problems which our bill has, I think, successfully overcome.

In addition to the lack of interagency coordination in this area, the relevant regulations have not kept up with advancing science. So it is important, and, accordingly, the legislation here authorizes the Secretary of Health and Human Services to regulate the transfer of harmful biological agents. However, when promulgating regulations

and the listing of biological agents subject to these regulations, the Secretary is to ensure the continued viability of the use of such agents for legitimate purposes.

So we are attacking these problems before they result in tremendous tragedies. This bill will do that. My colleagues and I believe that the American people deserve better than the current regulations and criminal statutes we have in this area which have left us vulnerable to the potential use of human pathogens as terrorist weapons.

Since we have not kept pace with science and technology and recognize that we live in a more dangerous world than we once did, this legislation takes strong action and makes a strong response right now. That is another reason why it is important.

No. 6, we restrict the transfer of nuclear materials and chemical biological weapons. The Antiterrorism and Effective Death Penalty Act of 1996, this bill, gives Federal law enforcement officials the tools necessary to combat the threats of nuclear contamination and proliferation that may result from the illegal possession of and trafficking in nuclear materials. It is in the vital national security interests of the United States that we take every conceivable step within our power to restrict the flow of nuclear materials around the world.

With this simple truth in mind, this legislation recognizes that the threat that nuclear materials will be obtained and used by terrorists and other criminal organizations has increased since the enactment, some 14 years ago, of the Convention on the Physical Protection of Nuclear Material. Accordingly, this bill proposes to give Federal law enforcement officials the maximum authority permissible under the Constitution to address this increased threat.

One of the ways the legislation provides new tools to law enforcement is through the expansion of the scope and jurisdictional basis of nuclear materials prohibitions. This is accomplished in part by recognizing that nuclear byproduct materials, in addition to nonderivative nuclear materials, poses a major threat, not only to our military and commercial assets, but also to the environment.

This broader definitional scope is essential if law enforcement is going to have the kind of prosecutorial reach necessary to keep up with the technological developments in the field. Ironically, the increased threat of terrorist nuclear activity is to some extent a result of our, the United States, success in obtaining agreements from other countries to dismantle nuclear weapons.

While we all applaud these efforts, they have resulted in increased packaging and transportation of nuclear materials, which has created a more difficult security environment because it has provided greater opportunities for unlawful diversion and theft. Although we have traditionally thought of nuclear terrorism in terms of the detonation of nuclear bombs against civilian or military targets in the United States, we are also acutely aware of the threat of environmental contamination as a result of nuclear material getting into the wrong hands.

The nature of nuclear communication is such that it may affect the health, environment, and property of U.S. nationals both here and abroad even if the illegal conduct is directed at foreign nationals. This is why increasing the scope of prohibitive materials is so important. Because there is currently no Federal criminal statute that provides adequate protection to U.S. interests from nonweapons grade, yet hazardous, radioactive material, this is all in this bill. This is important stuff.

This is not just a habeas bill. But even if that were all it was, it is worth passing because that is the one thing that the victims of these criminal activities and terrorist activities have called for. Frankly, it was the only thing they called for yesterday, although I am sure that they recognize these other matters and are very happy to have them.

No. 7, we require tagging devices in plastic explosives. This bill will tag them. It does tag the devices in plastic explosives. Now, there is, in my opinion, a reason to tag other things as well, but I have to say there are reasons not to at this point.

Let me make this point. The Antiterrorism and Effective Death Penalty Act of 1996, this bill, fulfills the obligation of the United States to implement the Convention on the Marking of Plastic Explosives for the Purpose of Detection, entered into in Montreal in 1991 in the tragic wake of the bombing of Pan Am flight 103. It required that detection devices be placed in all devices imported to or exported from the United States and provides criminal penalties for violations.

It should be noted that criminal provisions with respect to the incorporation of detection agents in plastic explosives do not apply retroactively to any Federal agency performing military or police functions or to the National Guard of any State, only if such incorporation occurs within 15 years of enactment of the Montreal Convention.

Furthermore, governmental transfer or possession of such nonconforming devices will not be considered a criminal act nor will transfer or possession by private citizens of nonconforming devices manufactured prior to this legislation if this occurs within a 3-year grace period of its enactment.

These provisions in this bill affecting the manufacture, distribution, and use of plastic explosives are absolutely critical given the likelihood that without them plastic explosives will continue to be used with even less certainty of detection for acts of unlawful interference with civil aviation, maritime navigation, and other modes of transportation.

The purpose of this bill really is very simple. By marking or requiring the marking of plastic explosives, not only will we effectively deter future terrorist acts, but we will also substantially improve our chances of bringing to justice those who place innocent lives in jeopardy, endanger our national security, and disrupt international commerce by the use of these stealthy, deadly devices.

The distinguished Senator from Delaware raises a good point when he desires, and we in the Senate enacted—it was a Hatch provision again. These are provisions I worked on. These are provisions I wanted in the bill. There is no question about that. We put mandatory taggants on all explosives, in a certain sense.

The fact is that the explosive used in Oklahoma City was the result of a fertilizer. But the fact, also, is that before we put taggants on those, we have been cautioned by the mining industry, which has to use explosives throughout its processes, by the stone industry, which has to use explosives, by other industries that are prone to use explosives, that they are afraid that mandatory taggants could be very dangerous to their workers and to their efforts.

Frankly, in order to solve that problem and in order to solve some of the worries and concerns of those over in the House, we then did what is the next best thing—frankly, probably is the best thing under the circumstances—since we have had these matters brought to our attention by ATF, the Bureau of Alcohol, Tobacco, and Firearms, which handles the explosives matters and has been studying it for years, by OTA, which as of a few years ago said these may be dangerous. We do not have the answers as of yet, so we provide for a study to determine just how dangerous it is, and whether we can put taggants in, that will be safe and will protect the workers in these industries. It is a serious concern. It is one that we can resolve. We resolve it by giving a year for that study and allowing the regulatory agencies to enact regulations and allowing time for Congress to review them and finally resolve them. It is a reasonable approach.

Yes, it is not as far as I want it to go, that we did go in the Senate bill, but it is a reasonable compromise. That is what we have had to do here.

This is not just a habeas bill. This is a lot of things we have had to compromise with the House to get it done.

Let me go to No. 8. We enhance penalties for many terrorism crimes. We do not enhance them for every crime that the distinguished Senator from Delaware wants us to. I do not disagree with him. Look, we have gone through in the last few years, Waco, Ruby Ridge, the Good Ol' Boys Roundup, we have gone through other types of law enforcement matters. There are people who are terrified of the IRS, people who are afraid of their own Government. If you look at the polls, the vast

majority of them are afraid of their own Government today because of some of these things.

We have looked into these and there have been some mistakes. Because of these fears and the perceptions that arise from these fears, we have had to go gently on some of the areas where, yes, the distinguished Senator from Delaware and I probably would agree. We worked together a lot in these areas. I have tremendous respect for his abilities in this area. I do not agree with him that this is just habeas corpus and it does not have much else. Give me a break. This bill has a lot besides habeas. Even if it was only a habeas bill, that is the most important criminal law change in the century. It is important. Anybody who understands it and who wants to get tough on crime, who wants sentences carried out without delay, without unreasonable delay, wants this bill. That is the vast majority of people.

Let me say there is probably not one thing in this bill—I cannot think of one thing in the bill that my colleague from Delaware really opposes other than habeas corpus. And he is willing to accept that. Because he disagrees with habeas corpus reforms, he and others, it looks to me like they are willing to delay this bill. I hope they do not. I hope we can move ahead with his motions here today and get this matter done.

I suggest that we pass this report and return to many of the issues that Senator BIDEN outlines in subsequent legislation. I will work closely with him and with others to be able to do that, to make sure we know what we are doing when we do it. In fact, I promise Senator BIDEN once this bill is signed, I will work with him to draft legislation looking at enhancing wiretap authority, or any of the other issues he has raised. We try to solve these problems with study and with other approaches in this bill so we can bring both sides of the Hill together.

Yes, I agree with him on a number of things. I wish we could put them in this bill. In the perfect world that he and I believe in, we would do that. On the other hand, this is an imperfect world, and there are a significant number of people—both Democrats Republicans, by the way, over in the House—who literally do not agree with us. I think we have to put these things in perspective.

Now, rather than exploiting the devastation of Oklahoma City, I believe that we are protecting the families of the victims from additional unwarranted victimization. Comprehensive habeas corpus reform is the only legislation Congress can pass as part of the terrorism bill that will have a direct effect on the Oklahoma City bombing, or the Lockerbie bombing or the World Trade Center bombing. It is the one thing that Congress can pass to ensure that President Clinton's promise of swift justice is kept.

Like I say, President Clinton recognized this fact during his April 23, 1995, ''60 Minutes'' appearance when, in response to a question about whether those responsible would actually be executed without the adoption of habeas reform, he said, ''It may not happen, but the Congress has the opportunity this year to reform the habeas corpus proceedings and I hope they will do so.''

The claim that habeas corpus reform is tangential or unrelated to fighting terrorism is just plain ludicrous. Indeed, habeas corpus reform has far more to do with combating terrorism than many of the proposals contained in the administration's own antiterrorism package, such as the proposals to enhance FBI access to telephone billing records and to loosen standards for the use of roving wiretaps in felony cases. I would like to do those but habeas has more meaning than they do.

Most capital cases are State cases. The State of Oklahoma could still prosecute this case, and the district attorney says it will. Our habeas reform proposal would apply to Federal death penalty cases, as well. It would directly affect the Government's prosecution of the Oklahoma bombing case. Indeed, several people were killed just outside the Oklahoma Federal building, the terrorists who destroyed the Federal building could thus be tried in State court for the murder of those citizens. The district attorney for Oklahoma City, as I said, is planning those prosecutions.

The provisions of this bill demonstrate the relationship of habeas reform to the terrorist bombing. No. 1, it would replace a 1-year limit for the filing of a habeas petition on all death row inmates, State and Federal inmates; No. 2, it would limit condemned killers convicted in Federal and State court to one habeas petition, to where under current law there is currently no limit to the number of petitions he or she may file; No. 3, it requires the Federal courts, once a petition is filed, to complete the judicial action within the specified time period. Clearly, by passing these provisions, we ensure that those responsible for killing scores of United States citizens will be given the swift penalty that we as a society exact upon them.

Let me just say this: My friend and colleague from Delaware said without the crime bill there would be no Federal death penalties. I commend him for that. I worked hard with him to get that. I think it was a good thing. The fact is that every State, almost every State does have a Federal death penalties.

Senator BIDEN makes the case that these are State cases for the most part. That is true, involving habeas corpus. Where is the Federal habeas corpus problem, he says? I have to say one of the biggest problems, loony judges in the Federal courts who basically will grant a habeas corpus petition for any reason at all. Because they do not have the teeth in the law to stop it, it goes on all the time. We have judges who do not like the Federal death penalties. They do not like the State death penalty, so they do anything to grant a habeas corpus petition. That game will be over once this bill passes. This bill requires deference to court action unless there is some very good reason not to defer, and I have to say that is a major, major, change in criminal law. It is important.

My colleague says, how does changing habeas corpus have anything to do with terrorism? I think he outlined it pretty good and indicated it has nothing to do with State courts. Of course it does. If it is in a State court he said it has nothing to do with Federal crime. Well, what happens under current law is these people try to get into the Federal courts where they figure they have more liberal judges who are going to find any excuse they can to overturn a death penalty, and my friend indicated, ''Well, it does not get them out of jail.'' Sometimes it does.

If a habeas corpus petition is granted and a Federal death penalty is overturned, it is 18 years down the pike, all witnesses are dead or gone, and you cannot put a case on in the courts, that creates tremendously complicated problems. This is not as simple as some would make it out to be. You can get into that on both sides of that issue, I suppose, ad infinitum.

I have to say that justice delayed, as I said before, is justice denied. There are crazy people out there that no amount of wiretapping, no amount of any kind of predisposition toward law enforcement is going to stop them. These people are crazy. These people have no sense about them. They have no sense about them. They are not disciplined. We have to have some way of resolving these problems.

I have to say, I do not disagree with my distinguished colleague and friend. There are things, yes, I wish were in this bill. Again, this is the art of compromise. This is the art of the doable. This is the art of having to bring both bodies together. I think the Senate can do a better job on this bill than the House. I have to say, having said that, I think the House has come a long way towards the Senate bill, and we got them to go as far as we can, and the areas we cannot, we have studies or other approaches to help solve the problems.

Let me name some provisions in this bill that were not in the original bill filed by Senator BIDEN on behalf of the administration:

Pen registers and trap and trace devices on foreign counterintelligence and counterterrorism investigations. That was in the second bill. It is not in this bill.

Disclosure of information in consumer reports to FBI for foreign counterintelligence purposes. That was in the second bill filed for the President.

Let me just go down the list here. Civil monetary penalty surcharges. It

was in the first bill. Nobody has it in this bill.

Increased penalties for certain crimes. We have a number in the Senate bill we passed, and they are in this conference report. They were not in the two bills filed for the President.

Enhanced penalties for explosives or arson crimes. They are in this conference report but not in the two bills filed for the President, to my knowledge.

Study and report on electronic surveillance. That was not in either of the President's bills, but they are in this bill. It was in the Senate bill.

Expansion of territorial sea. It was in the Senate bill and it is in this bill.

The prohibition on distribution of information relating to explosive materials for a criminal purpose. It was not in the President's bill; it was in the Senate bill, and it is in this bill.

Foreign air traffic safety and travel safety was in the Senate bill, and it is in this bill.

Proof of citizenship. That was in the House bill, and it is in this bill. It is a strong provision. We did not have it in our Senate bill.

Cooperation of fertilizer research centers. That was in the Senate bill, and it is in this bill, but not in the President's bills.

Special assessments on convicted persons. Not in the President's two bills, but it was in the Senate bill, and it is in this bill.

Prohibition on assistance under Export Control Act for countries not cooperating fully with the United States. That was not in the President's two bills. It was in the Senate bill, and it is in this bill.

Authorization of additional appropriations for the U.S. Park Police. Not in either of the President's bills. It was in the Senate bill and is in this bill.

Authorization of additional appropriations for the Customs Service. In the Senate bill and this bill, but not the President's bills.

Study and recommendation for assessing and reducing the threat to law enforcement officers from the criminal use of various matters. That was in the House bill, and we adopted it in the conference report.

Mandatory penalty for transferring explosive material knowing it will be used to commit a crime of violence. That was not in the President's bills, but it was in the Senate bill and it is in this bill.

Directions to the sentencing commission. We have that from the House, which we put in the conference report.

There are a number of other provisions we have put from the House bill into the conference report that range from exclusion of certain types of information, from wiretap-related definitions, detention hearings, protection of Federal Government buildings in the District of Columbia, study of thefts from armories, report to the Congress, et cetera, et cetera.

There are a lot of provisions that literally were not in the President's bills that are in this bill and were in the Senate bill and we were able to talk the House into putting in here.

So it is not just a habeas bill. If that is all this is, it is worth everything we can put into it. It will be one of the most impressive and important changes in criminal law in this century. Frankly, the other provisions will go a long way toward stopping and penalizing terrorist activity in America.

I have gone on and on. I know the Senator from California wants to speak, as do others. You can go on with this because there are so many other matters I would like to talk to. I heard the distinguished Senator from Delaware, for instance, saying the NRA and ACLU agree on a number of things here, or are opposed to a number of aspects of this bill for different reasons. Frankly, the reasons are pretty much the same. They are concerned about an oppressive Government, and they are concerned about Government activity that goes far beyond where it should go. They are concerned about civil liberties and, whether they are right or wrong, they both are concerned about those matters. They may look at things a little bit differently, but their concerns are pretty much the same.

For those who want to make this out as an NRA bill, that is just fallacious. Let me make some points. They were not happy with the Terrorist Alien Removal Act we put back into this bill. NRA did not want the designation of foreign organizations as terrorist groups. They were afraid some of their people might be designated. Exclusion of alien terrorists. They did not want that. These are major provisions that we put in here, and we did it in conference. We did it with House Members who are good people trying to do the best for the country. Funding for the ATF. They hate the ATF [Alcohol, Tobacco and Firearms] the agency of Government regulatory authority for the Secretary to impose taggants at all. The fact is, we have the authority to do that in this bill. I think these are all matters that need to be brought up.

There is one other thing I will bring to the attention of everybody. I believe that some of the major organizations in this country are certainly going to support this. I was really pleased to see the help that we have had and the positive work that we got from the Anti-Defamation League. They deserve a lot of credit. They have been very, very concerned about this. There are some who will not like this bill just because we do not have their particular ideas.

Well, I have made a commitment here to see that we resolve those programs in the future. We cannot do it in this context. It does not mean they will not be resolved. We have four State attorneys general of the various States who support this bill explicitly. The National District Attorneys Association supports this bill with everything they have. The Anti-Defamation League supports this bill. As far as I know, APAG supports this bill. They know the Jewish people have been targets of these terrorist activities, and they know it is not going to stop, and they know this bill will make a difference, and it could solve some of these problems. We have all of the survivors of the Oklahoma City bombing, and we have the Oklahoma Attorney General, who appeared at the press conference yesterday and made some of the most eloquent, hard-hitting, and strong remarks with regard to the support of this bill. We have the National Association of Attorneys General supporting this bill. Citizens For Law and Order support this. And you can go on and on.

There are those, I am sure, who may oppose this bill for one reason or another. But we have put together a very bipartisan, acceptable bill that will really make a difference against terrorism in this country and really will help this country to breathe a little bit easier—and, frankly, many other countries throughout the world, too, because of the provisions we have here.

This is not just a habeas corpus bill. But I will say it one more time. If that were all that it was, it is worth supporting. It would be a tremendous change, a really tremendous change in criminal law that I think would make a difference in the lives of many victims throughout the country, and I think it would stop some of the ridiculous approaches to law that have gone on far too long in a country where, really, the great writ was a great writ to allow people to get to a trial. The writ of habeas corpus we are talking about is a statutory writ. That statute needs to be modified by this bill so that we can stop the foolish game of frivolous appeals just because people do not like the death penalty.

I can understand if people do not like the death penalty. But they can make legitimate arguments against it. If they can convince a majority of the American people that the death penalty is a bad thing, I could live with that. But they cannot. The American people sense that it is a deterrent. They sense that it is something that has to be done, and they also sense that if the death penalty is imposed, it ought to be carried out, and it should not be made a charade as we have through these frivolous habeas corpus appeals through the years.

I yield the floor.

Mr. BIDEN. Mr. President, I am delighted to listen to the Senator. I know what is going to happen. I am going to respond to him, and we are going to hear somebody talking about delay. I have talked a lot less time than the Senator from Utah, who was worried about delaying passage of the bill. I think he should talk. I have been in this game before, and I know what is going to happen. I am going to respond to him an equal amount of time, and somebody is going to say I am delaying. I would like a record to be kept as to how long we have spoken. I have no intention of delaying this.

I am going to respond as briefly as I can and then yield the floor and, at a later date, introduce my amendments. Let me point out that you are looking at somebody who not only does not oppose the death penalty, I wrote the bill that added 57 new penalties.

So I am not opposed to the death penalty. I am not only not opposed to it, I authored the Federal death penalty legislation. And the bill that I authored is the reason why those people in Oklahoma are going to be able to get the death penalty in a Federal court, if in fact there is a conviction. That is No. 1.

Second, I disagree with the habeas corpus provisions that are in here. But I am not going to oppose the bill based on that. I am not going to offer amendments to change that.

So, as we say in the law, the red herring keeps being thrown up here by those who are opposed to the death penalty, and it is really about habeas. And it is not about that.

Third, those liberal Federal judges my friend is talking about, 57 out of the 100 of them are Republican liberal judges; 57 out of every 100 of them were appointed by President Bush and President Reagan; 57 out of every 100.

So, to the extent that they are liberal and not the majority of the court, it is a Federal court appointed by two Republican Presidents.

Just to clear some of the clutter away here, I also point out to you that there are some very tough provisions in this bill. I am not saying there are not. There are very tough provisions. My initial response was that the biggest weapon in here to fight terrorism was habeas corpus. That is an after-the-fact weapon, not a before-the-fact weapon. I am not as terribly optimistic as my friend from Utah. I believe we can stop terrorism. I believe we can stop terrorists. If the only thing I was to do here as a U.S. Senator was to clean up in the aftermath of terrorist acts and make the prosecution more available, then I would think I was doing half my job. That is not question. I do not question for a moment that the victims of the Oklahoma bombing and their families very much want the habeas corpus provision. I do not question that. They are victims.

There are two things we are trying to do in this bill—deal with the victims of terrorism and prevent new victims. My point is habeas does nothing about preventing new victims. That should be our major thrust in my view.

Also, I point out that my friend from Utah says that the district attorney is going to seek the death penalty. Well, if in fact the Federal trial takes place, which is going on—if, in fact, there is a conviction and they get the death penalty—I hope to God he will not intervene and delay the death penalty by then going into State court to get a death penalty if we already get the death penalty in Federal court. That is another red herring. The idea that the State attorney general, the district attorney in Oklahoma, is saying he needs a change in State habeas corpus in order to put to death people who in fact committed the Oklahoma bombing, they will already be dead. They will already be dead, if they are convicted, because they will be convicted under a Federal law, and they will be hung or injected with a lethal injection under Federal law. They will be dead. I surely hope he will not delay their death by deciding to have a whole new trial in State court. Again, it sounds reasonable when he says it to you. But when you parse through it, it makes no sense.

Why would you try someone, and then delay the imposition of the death penalty after they have already been convicted and are about to be put to death?

The other thing I would say is that there are some taggant provisions in here. I compliment my friend on the taggants. Everyone should know what taggants are. They are little tiny particles that they put in the manufacture of weapons, of bombs, of material that goes into bombs. So when the bomb goes off, the easiest way to think of it as a lay person, if somebody has a little Geiger counter, metal detector, they go around and pick up these taggants. They blink. They make sounds. So they can identify. Then they can look and see the taggant, and they can put it under a microscope and find out that this taggant, this material used in this bomb, was made in Dover, DE, or Sacramento, CA, at such and such a place, such and such a batch, and such and such a time. Then they can trace who purchased that batch of material, and they trace it back. And they find the guy who put the bomb together. That is what a taggant is. That is what it means.

We had a very strong provision. The House had a weak provision. But to the credit of my friend from Utah, last night he put in the process that guarantees there will be taggants because everyone should know this: That, although there will be a study, the study once completed automatically goes into effect. So anyone who objects to it will have to get a majority vote in the House and the Senate to defeat it. That is a very positive thing he did; very positive thing. And I compliment him for it.

Although it will delay by 28 months what we wanted to do, it will make it likely that that automatically will be the law, and it will require affirmative action to knock out the use of taggants.

The other point that I want to make is that many of the things that the Senator said—all of the things he said—are accurate about the additional provisions in the law. But if I can make an analogy, it is kind of like giving a police officer a revolver that has six chambers in it and giving him one bullet. You are giving the revolver. That is good. You give him one bullet. That helps protect. But we should give him the other five bullets.

My friend cited as one of the sterling objectives and achievements of this legislation as one example that would create a new crime, a new Federal crime—terrorism—that says that providing material support for terrorists is now a Federal crime. That is good. That is the gun and one bullet. But guess what we do? We say that you cannot use a wiretap under Federal law to go after people who have provided material support for terrorist groups. We do not include that in the list of crimes for which you can get a wiretap under Federal law. The Senate did. The House did not. So we do not include that. So we give them a gun. We give them the bullet. But we do not give them the full chamber. It is positive; agreed. But why in the Lord's name would you allow people to get a wiretap for bank embezzlement and not a wiretap for materially supporting a terrorist organization? Why would you do that? I do not understand that.

Lastly, I would point out that—there is much more to say but I am not going to take as much time as my colleague because my friend from California has been standing here for all of this time—the Senator went into great detail about human pathogens and chemical and nuclear and biological warfare. He is right. We added those crimes. We added enhanced penalties. But guess what we did? We said, if it is a chemical or biological weapon, you cannot do what you can do for nuclear weapons. You cannot bring in the only people who know about them; the military—the only people trained with the equipment to dismantle them, the only people who know how to identify them. You cannot bring them in for chemical, or for biological weapons. But you can for nuclear. Again, an example of a half-step that is very positive. It is in the right direction. But then you make it not useless but incredibly difficult to enforce, or to deal with because you cannot call in the experts.

It is like that movie you all saw, that one with Dustin Hoffman, and the danger that breaks out in the town, ''Outbreak.'' Let us assume a terrorist under this law uses a biological weapon. You are not going to have Dustin Hoffman flying in with the people in helicopters who are military who can deal with this. They are not going to be allowed to deal with it because we prevent them from dealing with it. We do not allow them to. The local cops are going to have to take care of it. You are not allowed to bring them in. Hollywood is going to have to revamp their scripts.

I mean, see again, a positive step but a half tentative step. And, when you are going to close the deal because a few people disagree with it, we back off. We back off.

I have much more to say. I will withhold the rest of my comments but conclude by saying there are two pieces here. There is dealing with the apprehension of, the conviction of, and the imposition of a penalty on those who

commit terrorist acts. That is very important. We do some of that in here. But there is an equally important aspect of preventing and apprehending before they commit the heinous act, those engaged in terrorist activities. We do not do a very good job of that in here.

I yield the floor, and I beg my colleague to yield and not take the floor because I will have to respond to him—and he is talking a lot more than I am—and let my friend from California proceed.

Several Senators addressed the Chair.

Mr. HATCH. Mr. President, I will only take a moment, with regard to posse comitatus. In true emergency situations the President has full authority to resolve those and use the military if he wants to. The reason the President would want us to put posse comitatus language in there is because it takes him off the hook. The fact is, the President has that authority.

Mr. BIDEN. I will respond to that later, Mr. President.

The PRESIDING OFFICER. The Senator from California.

THE ILLEGAL IMMIGRATION BILL

Mrs. FEINSTEIN. Mr. President, both the Senator from Utah and the Senator from Delaware are certainly hard acts to follow.

I want to comment on this bill, but before I do so I want to make a public appeal to the majority leader to please, please, please bring back on the floor the illegal immigration bill. This bill, I believe, has widespread bipartisan support. But more fundamentally, I cannot tell you how important this bill is to the safety and well-being of the people of California.

Right now on the border you have miles without a Border Patrol agent. Right now, for both Senator BOXER and I, Border Patrol people come in and tell us how they have rocks thrown at them, how they are concerned for their own safety.

A few weeks ago you had a major freeway accident with 19 people killed, illegal immigrants in a van. More recently you had an incident, publicized all over the United States, of an unfortunate law enforcement action which involved unrestrained force against illegal immigrants who pummeled on a freeway, hitting other automobiles, trying to get away from a sheriff's officer in pursuit.

This is the State that passed Proposition 187, which was a call for help from the Federal Government to enforce the law and change the law and stop illegal immigration.

Mr. President, there is so much that this bill—worked on so hard by Senator SIMPSON, worked on I think on both sides of the aisle in the subcommittee and in the full committee—does. Let me just say it adds 700 Border Patrol agents in the current fiscal year; 1,000 more in the next 4 years. It takes the total number of agents up to 7,000 by 1999. That is double the force that was in place 3 years ago. Every border State wants that.

It establishes a 2-year pilot project for interior repatriation. When somebody comes across the border, they are not just returned to the other side of the border, but they are returned deep into the interior to stop them from coming right back again.

It adds 300 full-time INS investigators for the next 3 fiscal years to enforce laws against alien smuggling, and it adds alien smuggling and document fraud, a big problem, as predicate acts in RICO statutes, something that Federal prosecutors have asked for.

It increases the maximum penalty for involuntary servitude, to discourage cases like the one we saw very recently where scores of illegal workers from Thailand were smuggled in and forced to work in subhuman conditions, against their will, in a sweatshop in southern California.

Mr. President, this bill is critical. It is an important thing for border States and particularly for the State of California. If Proposition 187 was not the bellwether that said, ''Federal Government, do your job,'' I do not know what else will be.

So I earnestly and sincerely, please, I beg the majority leader to bring this bill back on the floor, let us debate it, let us resolve it, let us pass it, let us get it signed, and let it get into law in the State of California.

TERRORISM PREVENTION ACT—CONFERENCE REPORT

The Senate continued with the consideration of the conference report

Mrs. FEINSTEIN. Mr. President, I thank the distinguished chairman of the Judiciary Committee for his work on this bill and the distinguished ranking member for his work on this bill.

I am particularly disappointed that the House succeeded in gutting the commonsense prohibition on distributing instructions for bomb making for criminal purposes. I will talk about that in a minute. But the good news is that the conference report also restored good provisions to this bill. I am especially gratified that the conference committee restored my amendment which gives the Secretary of Treasury the authority to require taggants for tracing explosives.

The Senator from Delaware, the distinguished ranking member, just explained what taggants are: simple little coded plastic chips that are mixed with batches of commercially available explosives. They allow law enforcement to trace a bomb that has exploded, just like one would trace a car by knowing the license plate number. That is exactly what taggants are.

It was studied 16 years ago. Everybody said go ahead with it. They have been available. And it has now happened.

Incidentally, it took the Unabomber 18 years to, quite possibly, get caught. Three people have been killed, 23 people have been wounded, in bombs that really plagued nine States. This time could have been cut in half, perhaps, if we had tagging of explosives.

Unfortunately, the bill completely exempts black powder from either tagging or study requirements. I must say, how can a bill even refute the ability to study tagging of black powder? The amendment I submitted on taggants essentially provided for its addition, taggants' addition, where explosives would be bought in larger amounts. But, where small amounts of black powder were purchased to use in antique guns and for small arms, the taggant would not be included.

The NRA opposes this. What the National Rifle Association is clearly saying is they do not want any taggants in black powder explosives period, or even a study of it. Can you imagine the power of an organization that is able to successfully say we will not even study the impact of tagging black powder, which is also used as the triggering device on major explosive bombs that are used by terrorists? I have a very hard time with that.

I heard the distinguished chairman of the Judiciary Committee just say the NRA opposed excluding alien terrorists from this country. The NRA opposed excluding alien terrorists from this country—unbelievable. I think I just heard him say the NRA opposed a prohibition on fundraising in this country by terrorist groups.

Let me tell you something, if anybody believes that Hamas is in this country raising money to use it for charitable purposes, I will sell you a bridge tomorrow. I will sell you a bridge tomorrow. That is just unbelievable to me.

Nevertheless, I thank the chairman of the Judiciary Committee for standing Utah tall in the conference committee on the issue of taggants. I would like to thank Senator BIDEN and Senator KENNEDY for their help as well. I think this is a very important step forward and I do not mean to diminish it in any way.

I also must say that I view the habeas corpus reform also as an important step forward. Abuse of the writ of habeas corpus, most egregiously by death row inmates who file petition after petition after petition on groundless charges will come to an end with the passage and the signature of this bill. I believe it is long overdue.

For anyone who believes that habeas is not abused, let me just quickly—because it has been thrown out before, and I know others want to speak—speak about the Robert Alton Harris case. It, I think, is a classic case on what happened with Federal habeas corpus, and State habeas corpus.

Mr. Harris was convicted in 1978 for killing two 17-year-old boys in a merciless way, eating their hamburgers, and then going out and robbing a bank.

His conviction became final in October of 1981. Yet, he was able to delay

enforcement of the California death penalty capital sentence until April 21, 1992—for 14 years.

Over that time, he filed no fewer than 6 Federal habeas petitions and 10 State petitions. Five execution dates—five execution dates—were set during the pendency of his case. In all, Harris and his attorneys engineered almost 14 years of delay and piecemeal litigation by misuse of habeas corpus, and, I might say, it was 14 years of unresolved grief for the parents of the children.

I think cases like that one point out the need for habeas corpus reform, and, frankly, I want to commend the Judiciary Committee, and in particular the chairman, for seeing that that is included.

Senator HATCH also just mentioned the pathogens incident. In the Judiciary Committee, we had some full hearings, that were rather chilling to many of us, on how easy it is to obtain human pathogens.

I cannot help but note that the Chair is a distinguished physician and surgeon who knows this area well. But what we found out, essentially, is that one person—namely, Larry Wayne Harris—managed to order and to receive samples of bubonic plague through the mail less than a year ago.

Incredibly, although he was caught, he could be charged with only wire and mail fraud, because there were no laws on the books prohibiting the possession of bubonic plague pathogens. In fact, he made up a letterhead and sent it in to a lab, asked to purchase the plague bacteria, and it was sent to him, no questions asked. So this bill clearly takes care of that problem.

It adds that any attempt, threat, or conspiracy to acquire dangerous biological agents for use as a weapon are crimes punishable by fines or imprisonment, up to life imprisonment.

It also asks the Secretary of HHS to establish and maintain a list of biological agents which pose a severe threat to the public safety, and it directs the Secretary to establish enforcement and safety procedures for the transfer of human pathogens.

As a matter of fact, a number of us wrote a letter to the President and urged that emergency action be taken quickly because of the potential ability of people to acquire these bacteria prior to the enactment of this statute.

I want to also express my thanks that fundraising by terrorist organizations will be prohibited in the United States of America. I think it is extraordinarily important that this take place.

I am also very pleased that there is a section, known as 330, of the conference report—which, as a matter of fact, I offered—which prohibits the United States from selling weapons and defense services to countries that the President determines are not fully cooperating with U.S. antiterrorism efforts.

This is a commonsense provision, and I am amazed that there has been nothing in law that meets it. But there certainly is no reason the United States should continue to provide weaponry to any country that refuses to do all it can to combat terrorism.

My big disappointment—and I think because the Presiding Officer is relatively new to this body, he would be interested to know—is that on the Internet today, there is a volume called The Terrorist Handbook. The Terrorist Handbook describes how you can make bombs, whether those bombs are in baby food jars, in electric light bulbs or in telephones. To my knowledge, there is no legal use for a bomb in a baby food jar, for a bomb in a light bulb, or for a bomb in a telephone. You know that once you teach somebody how to do that, their only use of the knowledge is to slaughter and to kill.

So I have a very hard time understanding why simple language, which says if you knowingly publish material with the intent of enabling someone to commit a crime, shall not be permitted.

Let me quote the February 2, 1996, New York Times Metro section. Headline: ''3 Boys Used Internet to Plot School Bombing, Police Say.''

Three 13-year-old boys from the Syracuse area have been charged for plotting to set off a home-made bomb in their junior high school after getting plans for the device on the Internet. The boys, all eighth graders at Pine Grove Junior High School in the suburb of Minoa, were arrested Wednesday by the police. ''There is no doubt that the boys were serious,'' the captain said, adding that they've recently set off a test bomb in a field behind an elementary school and that it started a small fire.

This cartoon is exactly what is happening all across the United States with young people. The cartoon is a youngster, sort of a Dennis-the-Menace type sitting at his computer, wrapping dynamite and attaching a detonation and clock device to it, while his mother is on the telephone saying ''History * * * astronomy * * * science * * * Bobby is learning so much on the Internet.''

I have another article. The Los Angeles Times, just this past Saturday, April 13: ''Four Teens Admit to Bombs in Mission Viejo School Yard.''

The boys, all 15- and 16-year-olds, told investigators they learned how to build the small high-pressure explosives from friends who got it off the Internet. According to the chief, who is then quoted, ''It's something they're getting off the Internet. Any time you mix volatile chemicals and have a little bit of knowledge, you put yourself and others in jeopardy.''

A third article, Orange County Register, ''2 Home-Made Bombs Dismantled in Orange'' County.

Authorities theorize that teens are learning how to make the 2-liter bottle devices on the Internet. Ladies and gentlemen, how far do we wish to push the envelope of the first amendment?

Let me tell you what is also in this ''Terrorist Handbook.'' People say, ''Well, we have a first amendment right.'' There is a part on breaking into a lab. This ''Terrorist Handbook,'' which we downloaded yesterday on the Internet, let me quote from it. The first section deals with getting chemicals legally. This section deals with procuring them.

> The best place to steal chemicals is a college. Many state schools have all of their chemicals out on the shelves in the labs, and more in their chemical stockrooms. Evening is the best time to enter a lab building, as there are the least number of people in the building and most of the labs will still be unlocked. One simply takes a bookbag, wears a dress shirt and jeans, and tries to resemble a college freshman. If anyone asks what such a person is doing, the thief can simply say he's looking for the polymer chemistry lab or some other chemistry-related department other than the one they are in.

Then it goes on and it tells them how to pick the lock to break into the chem lab. It tells them what kind of chemicals to steal from the chem lab, and then to go out and how to make the bomb—baby food bomb, telephone bomb, light bulb bomb.

We know people are following this. Yet this conference committee deleted—deleted—a simple amendment which said, if you knowingly publish this kind of data with the view that someone will commit a crime, that is illegal—that is illegal. The conference committee voted it down, I would take it, at the behest of the National Rifle Association. Why? I cannot figure out why. I cannot to this day figure out why.

Let me give you one other quote that was on the Internet. It tells you where to go.

> Go to the Sports Authority or Hermans sports shop and buy shotgun shells. At the Sports Authority that I go to you can actually buy shotgun shells without a parent or adult. They don't keep it behind the little glass counter or anything like that. It is $2.96 for 25 shells.

Then the computer bulletin board posting provides instructions on how to assemble and detonate the bomb. It concludes with:

> If the explosion doesn't get 'em, then the glass will. If the glass doesn't get 'em, then the nails will.

This is what, by rejecting my simple amendment, the conference is saying is permissible on the Internet.

Let me give you one last thing so that it is, hopefully, indelibly etched in everybody's mind what we are doing. Following Oklahoma City, this was on the Internet.

''Are you interested in receiving information detailing the components and materials needed to construct a bomb identical to the one used in Oklahoma?'' The information specifically details the construction, deployment, and detonation of high powered explosives. It also includes complete details of the bomb used in Oklahoma City and how it was used and how it could have been better.

How far are we pushing the envelope of the first amendment? What I have

tried to show is that not only is this kind of thing with knowledge, with intent, on the Internet, but that youngsters are using it. They have used it within the last 2 weeks in New York, in California, and they have used it to do bodily harm to others.

So this is my big disappointment in this bill, because I believe we have as much to fear from domestic terrorism, as I think the Unabomber has pointed out, as we do from foreign terrorism. It begins right here at home. It begins with a system that lets everybody do anything they want, including telling you how to steal, break in and steal the chemicals, make the bombs, go out and deliver them.

I believe it is the job of this Congress to try to do something about it. With that in mind, I will support the amendment to recommit this to committee. I realize that that is a useless gesture, but just to make the point.

I will vote for this legislation and I will at the earliest time possible reintroduce my amendment on another bill to take another crack at saying the time has come for the United States of America to say, indeed, everything does not go. There are some restrictions and some things that we are going to do to stop criminality in this country. I thank the Chair and I yield the floor.

Mr. THURMOND. Mr. President, I served as a conferee representing the Senate, and I am pleased that the House and Senate conferees have resolved the differences between our respective bills to combat terrorism. We must send a clear message to those who engage in this heinous conduct that the American people will not tolerate cowardly acts of terrorism, in any fashion—whether their source is international or domestic.

It is important that the Congress work closely with Federal law enforcement to provide the necessary tools and authority to prevent terrorism. Yet, I am mindful that an appropriate balance between individual rights guaranteed in the Constitution and the needs of law enforcement must be achieved as we meet our responsibility. The American people appropriately look to their government to maintain a peaceable society but do not want law enforcement to stray into the private lives of law-abiding citizens. The balance is to provide reasonable authority to law enforcement to investigate and prevent terrorism while respecting the rights of the American people to form groups, gather and engage in dialog even when that dialog involves harsh antigovernment rhetoric.

Mr. President, it is my belief that this conference report will enhance law enforcement capabilities to combat terrorism while respecting our cherished rights under the Constitution. This legislation includes provisions to increase penalties for conspiracies involving explosives and the unauthorized use of explosives, enhance our ability to remove and exclude alien terrorists from U.S. territory, provide private rights of action against foreign countries who commit terrorist acts, prohibit assistance to countries that aid terrorist states financially or with military equipment, and enhance prohibitions on the use of weapons of mass destruction. Also, there are a number of other measures designed to combat terrorism which were included and detailed earlier by the able chairman of the Judiciary Committee, Senator HATCH.

Clearly, one of the most important sections included in the conference report is language designed to curb the abuse of habeas corpus appeals. In fact, we heard from families of the Oklahoma bombing victims who demand that habeas reform be included to make this a truly successful bill.

Mr. President, for years, as both chairman and ranking member of the Senate Judiciary Committee, I have worked for reform of habeas corpus appeals. The habeas appellate process has become little more than a stalling tactic used by death row inmates to avoid punishment for their crimes.

Unfortunately, the present system of habeas corpus review has become a game of endless litigation where the question is no longer whether the defendant is innocent or guilty of murder, but whether a prisoner can persuade a Federal court to find some kind of technical error to unduly delay justice. As it stands, the habeas process provides the death row inmate with almost inexhaustible opportunities to avoid justice. This is simply wrong.

In my home State of South Carolina, there are over 60 prisoners on death row. One has been on death row for 18 years. Two others were sentenced to death in 1980 for a murder they committed in 1977. These two men, half brothers, went into a service station in Red Bank, SC, and murdered Ralph Studemeyer as his son helplessly watched. One man stabbed Mr. Studemeyer and the other shot him. It was a brutal murder and although convicted and sentenced to death these two murderers have been on death row for 15 years and continue to sit awaiting execution.

The habeas reform provisions in this legislation will significantly reduce the delays in carrying out executions without unduly limiting the right of access to the Federal courts. This language will effectively reduce the filing of repetitive habeas corpus petitions which delays justice and undermines the deterrent value of the death penalty. Under our proposal, if adopted, death sentences will be carried out in most cases within 2 years of final State court action. This is in stark contrast to death sentences carried out in 1993 which, on average, were carried out over 9 years after the most recent sentencing date.

Mr. President, the current habeas system has robbed the State criminal justice system of any sense of finality and prolongs the pain and agony faced by the families of murder victims. Our habeas reform proposal is badly needed to restore public confidence and ensure accountability to America's criminal justice system.

We have a significant opportunity here to fight terrorism and provide certainty of punishment in our criminal justice system. The preamble to the U.S. Constitution clearly spells out the highest ideals of our system of government—one of which is to ''insure domestic tranquility.'' The American people have a right to be safe in their homes and communities.

I am confident that this antiterrorism legislation will provide valuable assistance to our Nation's law enforcement in their dedicated efforts to uphold law and order.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Oklahoma.

Mr. NICKLES. Mr. President, first, I would like to thank Senator DOLE for setting aside the immigration bill, the illegal immigration bill, temporarily so we can pass this terrorism conference report.

I might mention to my colleagues this is a conference report and is not really amendable. It does not mean we do not have parliamentary procedures and it does not mean people cannot delay or procrastinate or mean we cannot say we can send it back to the conference with specific amendments. They have the right to do so. But I am going to urge my colleagues not to do so. If we do so, we are not going to finish this bill. I would like to finish this bill this week.

I would really like to compliment my colleagues, Senator HATCH, and also Senator BIDEN, as well as our colleague in the House, Chairman HYDE, for their work in the last couple of weeks in melding the two bills together.

This is a compromise bill. I do not make any bones about it. It is probably not perfect. But it is a good bill, and it needs to pass, and it needs to pass this week. If we recommit this bill, we are not going to get it done this week. So I urge my colleagues, it might be tempting and it may be politically appealing, for whatever reason, to recommit this bill and to score some points or run against the NRA or whatever, but I urge them to set that aside.

Let us pass this bill. This is a positive bill. It is a good bill. It is a bill that has very, very strong support and a lot of emotional connections in my State. I think everybody is well aware of the fact that this Friday is the first anniversary of the Oklahoma City bombing that took 168 innocent lives of men, women, and children. The families of those victims have urged us to pass this bill. They have admitted maybe this bill is not perfect, but they think it is a good bill. I have met with several of the victims and families of the victims. They said, please pass this bill.

The No. 1 provision that they want in this bill is the so-called habeas corpus

reform. They want an end to these endless appeals of people who have been convicted of atrocious crimes and murders. An end to abusing the judicial system, abusing taxpayers, filing frivolous appeals, endless, endless appeals.

In Oklahoma actually several were wearing buttons that had a 17 with a line through it. They were referring to Roger Dale Stafford. In 1978, he murdered nine individuals in my State. First he murdered the Lorenz family—he was a sergeant. Sergeant Lorenz saw a stopped car with the hood up. So he pulled over and stopped to help Stafford. Lorenz was with his wife and his child. Roger Dale Stafford murdered him, murdered his wife, and went back into the car and murdered their son; and then shortly after that murdered six people. Most of them were kids in a Sirloin Stockade restaurant. He herded them into a freezer or refrigerator and murdered them in cold blood.

That was in 1978. His execution did not happen until last year, 1995. He was on death row for 17 years. The families of the victims of the Oklahoma City bombing have said we need habeas corpus reform. This is a Federal crime. They will be tried under Federal statute. The death penalty does apply. If convicted, they would like to have the sentence carried out swiftly, not 20 years from now. They feel very, very strongly about it.

I want to thank my colleagues for working over the last couple of weeks when the Senate was in recess. We do not usually do that. It does not happen very often around here. Usually we have a break or recess for whatever reason and staffs and Senators take off and not a lot of work is done. But this time was different.

I also again want to thank Senator DOLE and also Speaker GINGRICH because I personally appealed to both and said I would really like to get this bill up and passed through both Houses of Congress by this anniversary date. I would like to go back to Oklahoma on Friday and tell the families that, yes, we have passed this antiterrorism bill.

It has a lot of provisions, a lot of good provisions. I realize in the legislative process we make some compromises. It has been pointed out maybe there are a couple of provisions that should not be in or have been left out. My colleague from Delaware mentioned expanded wiretaps. A lot of people in my State have real second thoughts about that. I do not know. I supported it when it passed the Senate. It may be a good provision. Maybe I was wrong. I am not sure.

I am not an expert in that area, but I know that habeas corpus reform, or death penalty reform, needs to pass. That is the foremost thing on the minds of the victims of the Oklahoma tragedy. If we send this back to committee, we will not be able to pass this bill this week. I will be more than disappointed if that happens.

We have a couple of other provisions that are very important to the people of Oklahoma. We put in a provision, and I want to thank my colleagues, both Senator HATCH and Senator BIDEN for supporting this provision, that will allow and actually provide for closed circuit TV viewing of the trial proceedings in the Oklahoma bombing case. Unfortunately, the trial was moved to Denver. In Denver they have a courtroom, I believe, that holds 130 people. The judge said we will have an annex for audio, so in total, maybe 260 people including press would have the opportunity to attend or hear the trial. Frankly, that is not enough. That is not near enough. Not to mention the fact that the individuals and families would have to travel over 500 miles, and be away from the rest of their family. It would be an enormous inconvenience. We have raised some money to assist them. I am sure some families would like to personally attend the trial and we will try and help them financially, as well.

I thank the Attorney General for helping in that manner. She wrote me a letter saying they were contributing the travel fund. I asked the Attorney General's assistance so that those who could not travel to Denver could view the trial through closed circuit TV coverage. We think that a decision to permit this by the court is discretionary and it should happen. Unfortunately, she has declined to help us with the closed circuit TV provision. This bill says that the court must provide closed circuit coverage of the trial for victims and their families. It will be closely monitored. The court will have complete control over the coverage. This is not for public viewing but for the families, so they can view the trial without leaving their home, without leaving the rest of their families, maybe without having to take several months off from their jobs or their workplaces. This is going to be a very traumatic time for them and it would be much better for them as individuals to be able to view this at home and still be able to be with their family members and friends instead of dislocating them for several months, sending them to Denver, and only a very small percentage of them being able to even be present in court, and be more than frustrated by being so close yet so far away because they would not have access to the proceedings in the trial.

I am appreciative of this one provision, and again I thank my colleague from Utah and my colleague from Delaware for inserting this provision. There is a comparable provision in the House bill. This is most important to the families of the victims of the Oklahoma City bombing.

Finally, I want to comment on one other provision. This bill provides for mandatory restitution for victims of Federal violent crimes, property crimes, and product tampering crimes. This is a measure that we have spoken about on the floor of the Senate countless times. This is a measure that has passed the Senate three or four times. This is a measure that has bipartisan support. Senator BIDEN, Senator HATCH, myself, and others have worked to put this in. We have passed it in various crime control packages in the past. Unfortunately, when we have had a conference it has not remained in the conference package. This is a most important provision where we do give respect, treatment and assistance for the victims of crime—mandatory restitution for victims. We should pay more attention to victims instead of to the criminals, as we have done in the past. I am most appreciative. This is a very important provision.

I think our colleagues have put together a good bill. It may not be perfect. I have heard my colleague from Utah say, well, as far as some of the other provisions, maybe the provision that was alluded to by our colleague from California dealing with Internet and directions for explosives, that may be a good provision. I may well support it. It does not have to be in this package. I hope that if there are other good provisions not included in this bill, we can garner overwhelming support in the Senate, we can take them up separately and pass them this year. I would like to think that we have a window of opportunity of a couple of months where we can pass substantive legislation without playing politics. I hope we do not play politics with this bill.

I keep hearing statements about the NRA and others, there are a lot of people that are concerned about expanding wiretap authority and they do not have anything to do with the NRA. Maybe that is a good provision. I am not debating that. Maybe it should be debated, but debate it separately. If we put some of those provisions in, there will be problems in the House and we will not pass this bill this week. To me that would be a real shame. That would be something that we should not do. This is an important bill. This is a good bill, a bill that should pass, that should pass tonight. I would hope that my colleagues would join together, resist the temptation to send this back to conference, knowing it would delay it. Hopefully, they would join us in saying, ''Let's pass this bill,'' and if we want to consider separate measures dealing with taggants or anything else that was originally in the House bill or originally in the Senate bill, or maybe originally in the President's bill, we can consider that independently.

This is a conference report. Most of our colleagues are aware of the fact we do not usually amend conference reports, and if we do, we could put unnecessary delay on this legislation which would be a serious mistake. On behalf of the victims of the tragedy that happened on April 19, 1995, in Oklahoma City, on behalf of the families and the countless number of people who were impacted directly, I urge my colleagues, let Members pass this bill, pass this bill tonight, no later than tomorrow, get it through the House, as well, so we can let them know that we

have listened to them, we have heard them, and we have passed a good antiterrorism bill with real habeas corpus reform, with real death penalty reform, with a provision allowing them to have closed circuit TV viewing of the trial. I think they will be most appreciative. I know they will be most appreciative.

I yield the floor.

Mr. INHOFE. Mr. President, I have listened to the debate not just today but the debate on this for the past year. I remember so well the incident, when my fellow Senator from Oklahoma, Senator NICKLES, and I were in Oklahoma City right after it happened for the days following that, talking to families and the ones who actually had their own loved ones that were still in the building, not knowing whether they were alive or dead.

It is very difficult to get the full emotional impact watching TV of some remote place like Oklahoma from outside. When you are there, you feel differently about it. This is why Senator NICKLES and I have such strong feelings about this bill.

There is some opposition in this bill even in the State of Oklahoma by many people who felt that perhaps the wiretapping provisions went a little bit too far, the invasion of civil rights and privacy, perhaps was a little too strong. Many of my conservative friends did not want me to support it.

I was very pleased when the conference came out with its report. I believe the bill we have today is better than the House bill was. It is better than the Senate bill that we sent to them. I feel much stronger about it now and much more supportive than I did before. I think Senator NICKLES has covered most of the things that people in Oklahoma are concerned with. I can just tell you it is not a laughing matter that these people do want an opportunity. These are not wealthy people. They feel they should participate, at least be able to view the trial taking place. That is something that is in this bill. It will allow them to do it. Many of them could not sustain the hardship of making a trip to Denver.

There are a lot of things in here that I think are better than they were when we sent it over. The one area I want to concentrate on and just emphasize again is the habeas reform. My concern, and in fact, I can tell you, if that had been taken out I probably would have opposed the bill. Two months after the tragedy, the bombing tragedy in Oklahoma City, we had the families of the victims up here, in Washington, DC. I personally took them to many Senators' offices. They expressed to them that of all the provisions that would come out in an antiterrorism bill, the one that was the most significant to them was the habeas reform.

It happened to coincide with something that Senator NICKLES and I are very familiar with, a murder that had taken place 20 years ago, by a man named Roger Dale Stafford. Roger Dale Stafford murdered nine Oklahomans in cold blood. He sat on death row for 20 years. We just finally carried out that execution. These families are looking and saying, ''Here is a guy that sat on death row. He gained over 100 pounds, so the food was not too bad. He was in an air-conditioned cell and watched color TV.'' They are thinking about what happened to their own members of their family. I look at it behind that. If you get someone with a terrorist mentality, and particularly, someone, perhaps, from the Middle East who has a different value on life than we do, if he is looking at the down side and saying, should I do this act, should I perform this act, and the worst thing that can happen to me is that I will sit in an air-conditioned cell and watch color TV for 15 years, punishment ceases to be a deterrent to crime.

So I think that is a very significant provision that has to be saved. I think any chance on sending this back might jeopardize the chances of having that type of reform. Again, that was the one thing that was in this bill that the families of the victims in Oklahoma said we really have to have; that is the one thing that has to be in there that is going to give us any relief at all. Once the person is apprehended and the trials and sentence are over, and if it is an execution, they want to go ahead and go through with it and not have the perpetrator of the crime that murdered their families sitting on death row for most of their lifetimes.

So I think this is a very good bill. I will just repeat an emotional appeal from the victims and families of the victims in Oklahoma. Let us get this passed and let us get it passed before April 19, on Friday. It is very, very important for us, and I hope we move along on this. We have been considering this for quite a period of time. We started right after the bombing. So we have had adequate time to be deliberative—as deliberative as this body is famous for being. I think it is time to go ahead and pass it.

I yield the floor.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, I rise in strong support of the antiterrorism conference report.

First, it is with great sadness that we approach the first anniversary of the bombing in Oklahoma City. It was truly a tragic event carried out by premeditated and dreadful murderers. I just hope that the people that carried out that act get the justice they so deserve.

Mr. President, one of the most important reforms made by this bill are those reforms to our death penalty procedures. For too long, murderers have been on death row, filing appeal after appeal, in the hopes of finding some small legal loophole—anything they can find that will nullify their sentence.

The people of this country are sick and tired of murderers being put on death row and then sitting there, as Senator INHOFE said, watching television, getting fat, and at an enormous cost to the American taxpayers.

Mr. President, since the death penalty was reestablished in 1977, over 400,000 people have been murdered. But only 200 have been executed. This is hardly a message that our justice system is swift or sure to those that break the law.

In my home State of North Carolina, we have over 100 people on death row, with an estimated cost of close to $50,000 a year to keep them there—per person. Yet, in the last 16 years, only 5 people have had the death sentence carried out in North Carolina, with 100 waiting. There have been delays, delays, and more delays, simply using one loophole behind another. Simply, the executions have not been carried out, at an enormous cost to the State of North Carolina for attorneys to fight these endless appeals.

In the United States, as a whole, there are over 2,700 people on death row. Over half have been there longer than 6 years. Further, of those on death row, over half were on probation or parole when they were arrested for murder. What does this say about the justice system?

Is it any wonder that crime has increased 41 percent in the last 20 years? Is it any wonder that violent crime has increased by 100 percent in the last 20 years? Our judicial system has been made a mockery by those who set out to break the law.

For those that carried out the Oklahoma City bombing, they probably never thought they would get caught. Fortunately, and luckily, with good police work, they were caught. But they probably believe that they can beat the system. I hope not, but I am sure they believe it. They probably think they can make a mockery of the justice system, as so many others have. Certainly, we will be hiring the most expensive lawyers out there to help them to beat the system.

In this country, we need to reestablish a respect for the law. Criminals need to know that if they commit murder, they will receive the death penalty. And, more importantly, they need to know that it will be carried out, and they will not be held on death row with endless delays.

With this bill, we finally have broken the logjam on the issue. We keep passing bill after bill that increases penalties and provides new capital offenses; yet, we do nothing to reform our justice system to see that the punishment is carried out.

Finally, we have done something to end the frivolous appeals filed by death row inmates.

Mr. President, I support this conference report. I thank Senator HATCH, and others, who have pushed death penalty reform to the forefront in this bill.

I yield the floor.

Mr. BIDEN. Mr. President, I hope both of my friends from Oklahoma and my friend from North Carolina—speaking to my friends from Oklahoma—understand that we do not want the delay in this bill. This bill got delayed in the House of Representatives for close to 6 months. I did not hear people coming to the floor with me and saying, ''Where is the bill, where is the bill, where is the bill, where is the bill?'' Now we are told to make this bill workable, and we should not attempt to do better.

I cannot believe the Senator from North Carolina would support a provision allowing, for example, someone to be taught how to make another fertilizer bomb to blow up another Federal building—maybe this one in North Carolina—and maybe learn how over the Internet. He would not want that to happen. Yet, he is probably going to vote against adding that provision back into the bill. He will probably vote, ''No, I will not send it back to the conference and have them include that provision.''

We had a provision saying you cannot teach people how to make fertilizer bombs, plastic bombs, and baby food bombs on the Internet, when you know the intent is for that person to use it. Yet, they are all going to stand here and vote against me on that. I find that fascinating.

I hope the folks in every one of our districts remember this. They are going to vote against me when I say we want to prevent future Oklahomas. We want to take care of those victims of Oklahoma and make sure retribution is had. That is why the crime bill I authored set the death penalty for it. And there would not even be a death penalty had President Clinton's crime bill not passed. Those people in Oklahoma would not be able to get the death penalty.

Some of my colleagues voted against the crime bill, and now they are hailing the death penalty. The only reason why those people are being tried and, if convicted, will get death, is because of the crime bill they voted against. I find this kind of fascinating logic going on here.

The third thing I point out, and that was tried in Federal court—and then I will yield to my friend from Georgia, who has a very important amendment or very important motion to make—I also point out that we should be worried about future victims. Future victims.

The comment was made—and a legitimate comment—by one of my colleagues a moment ago, when he said, ''On behalf of the victims of the bombing in Oklahoma, please pass this bill.'' On behalf of the tens of millions of Americans who may be the next victims, on behalf of them, please give the police the authority they need to enhance their ability to prevent future Oklahomas by allowing them to wiretap these suspected terrorists under probable cause, just like we do the Mafia. What is good enough for the Mafia ought to be good enough for a bunch of whacko terrorists.

So not only mourn those who died, which I do, but pray for those who are living that they continue to be able to live. I mean, how in the Lord's name can we, after Oklahoma, stand here on the floor and vote against the motion I predict they will vote against which says you cannot teach someone how to make a fertilizer bomb on the Internet when you know it is going to be used? They are going to vote against that. What about future Oklahomas?

I see my friend form Georgia is ready to proceed. So I will yield the floor for the purpose of his making his motion after I make a concluding statement.

In each of these amendments that I offered yesterday, Chairman HYDE in the transcript of yesterday's proceedings said—this is what this is all about—and I quote. He said:

> Mr. Chairman, [Chairman HYDE speaking] may I say something? Mr. Chairman, let us cut to the chase. I agree with the Senator [i.e. Senator BIDEN] and have always agreed with the Senator on this issue, the wiretap issue. The facts of life are that we lose about 35 votes in the House if we pass the wiretap provision.

That is what this is about—35 folks in the House who do not like it. That is why we are going to vote against our interest probably in the next couple of hours.

I yield the floor.

Mr. HATCH. Mr. President, if I could take a second.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Utah.

Mr. HATCH. I agree with the 35, but all of those oppose the bill anyway. But it is a lot more than 35 people who will vote. I just wanted to make that statement.

I thank the Senator from Georgia.

Mr. NUNN. Mr. President, I urge my colleagues to support Senator BIDEN's motion which he will, I understand, make in a few minutes—I do not think it has yet been made—to recommit the conference report because it fails to address a very significant gap in the law which we corrected when we passed the Senate bill regarding the use of chemical and biological weapons of mass destruction in criminal terrorist activities.

The Armed Forces have special capabilities, and they are the only people that have special capabilities to counter nuclear, biological, and chemical weapons. They are trained and equipped to detect, suppress, and contain these dangerous materials in hostile situations. The police authorities of our country and the fire departments of our country do not have the capability to deal with chemical and biological attacks or the threat of those attacks. They do not have the equipment. They do not have the protective gear.

We have had four hearings in the last 6 weeks in the Permanent Subcommittee on Investigations, of which I am the ranking member and Senator ROTH is the chairman. Let us be very clear. With the testimony from law enforcement officials, from fire officials, from city officials, State officials, and from our own people in the Federal Government, that, if there were a chemical or biological attack in this country, we would have as the first victims those who came to the rescue. It would be those personnel coming to the rescue of those innocent victims who are caught in that situation that would also become victims themselves because they are not equipped to detect. They are not equipped to really deal with and they certainly are not equipped to withstand the lethal capability of chemical and biological weapons. Over a period of time they may be able to.

One of the things I am going to be talking about in the weeks ahead is a package of legislation which I hope Senator LUGAR and I will be sponsoring. One of the things we are going to need to do is to give, I think, our military both the capability with funding and also the authority and responsibility to help begin training our police and law enforcement officials around the country. It is going to take a long time.

We are in a different era now, Mr. President. One of the things that many people do not recognize after the attack in Tokyo where the avowed goal of the group that had really prepared very extensive capabilities for chemical warfare on their own people is that if they had the kind of delivery system that a few weeks later they might have had, instead of 15 or 20 people being killed and several hundred being injured, there literally would have been tens of thousands of deaths right there in Tokyo. We are in that era now.

A lot of people do not also understand that in the World Trade Center bombing there was really very strong evidence that a chemical component was in the explosive material. There was an attempted effort at chemical attack there also, but the chemical element was consumed by the huge fire and explosion. So we have had that attempt also in this country.

My point is that it is a very dangerous omission in not giving the kind of clear authority in this conference report that we had in the Senate bill.

At the present time the statutory authority to use the Armed Forces in situations involving the criminal use of weapons of mass destruction extends only to nuclear material. Section 831 of title 18, United States Code, permits the Armed Forces to assist in dealing with crimes involving nuclear materials when the Attorney General and the Secretary of Defense jointly determine that there is an emergency situation requiring military assistance. There is no similar authority to use a special expertise in the Armed Forces in circumstances involving the use of chemical and biological weapons of mass destruction.

In the wake of the devastating bombing of the Federal building in Oklahoma City and also the World Trade Center, with the tragic loss of life in Oklahoma and the disruption of governmental facilities, I think it is appropriate and absolutely necessary to reexamine Federal counterterrorism capabilities, including the role of the Armed Forces.

For more than 100 years, military participation in civilian law enforcement activities has been governed by the Posse Comitatus Act. The act precludes military participation in the execution of laws except as expressly authorized by Congress. That landmark legislation was the result of congressional concern about increasing use of the military for law enforcement purposes in post-Civil War era, particularly terms of enforcing the reconstruction laws in the South and suppressing labor activities in the North.

There are about a dozen express statutory exceptions to the Posse Comitatus Act, which permit military participation in arrests, searches, and seizures. Some of the exceptions, such as the permissible use of the Armed Forces to protect the discoverer of Guano Islands, reflect historical anachronisms. Others, such as the authority to suppress domestic disorders when civilian officials cannot do so, have continuing relevance—as shown most recently in the 1992 Los Angeles riots.

It is important to remember that the act does not bar all military assistance to civilian law enforcement officials, even in the absence of a statutory exception. The act has long been interpreted as not restricting use of the Armed Forces to prevent loss of life or wanton destruction of property in the event of sudden and unexpected circumstances. In addition, the act has been interpreted to apply only to direct participation in civilian law enforcement activities—that is, arrest, search, and seizure. Indirect activities, such as the loan of equipment, have been viewed as not within the prohibition against using the Armed Forces to execute the law.

Over the years, the administrative and judicial interpretation of the act, however, created a number of gray areas, including issues involving the provision of expert advice during investigations and the use of military equipment and facilities during ongoing law enforcement operations.

During the late 1970's and early 1980's, I became concerned that the lack of clarity was inhibiting useful indirect assistance, particularly in counterdrug operations. I initiated legislation, which was enacted in 1981 as chapter 18 of title 10, United States Code, to clarify the rules governing military support to civilian law enforcement agencies.

Chapter 18, as enacted and subsequently amended, generally retains the prohibitions on arrest, search, and seizure, but clarifies various forms of assistance involving loan and operation of equipment, provision of advice, and aerial surveillance. Chapter 18 does not authorize military confrontations with civilians in terms of arrests, searches, and seizures. Chapter 18 also ensures that DOD receives reimbursement for military assistance that does not serve provide a training benefit that is substantially equivalent to that which would otherwise be provided by military training or operations.

The administration requested legislation that would permit direct military participation in specific law enforcement activities relating to chemical and biological weapons of mass destruction similar to the exception that already exists under current law that permits the direct military participation in the enforcement of the laws concerning the improper use of nuclear materials.

Mr. President, the nuclear kind of incident is entirely possible. We have to be prepared for it. We are much better prepared to deal with nuclear than we are with chemical or biological. We have the capability in the Department of Energy with a team that has been training and working on this for years, and they are much better prepared. We do not have a similar capability for chemical or biological.

So by the omission of this specific authority in this bill, we are taking the most likely avenue of attack for terrorism in this country with mass-destruction weapons—and that is chemical or biological—and we are not putting that in the same category as nuclear, which is possible, and we must be prepared for it. But a nuclear attack is not as likely to happen as a chemical or biological attack.

Last June, the Senate included such legislation in the counterterrorism bill with safeguards to ensure that it would only be used in cases of emergency and under certain specific, carefully drawn limitations. In my judgment, the question of whether we should create a further exception for chemical and biological weapons should be addressed in light of the two enduring themes reflected in the history and practice and experience of the Posse Comitatus Act and related statutes:

First, the strong and traditional reluctance of the American people to permit any military intrusion into civilian affairs.

Second, the concept of any exception the Posse Comitatus Act should be narrowly drawn to meet the specific needs that cannot be addressed by civilian law enforcement authority. The record is abundantly clear that we are talking about exactly that. These are cases where local law enforcement and State law enforcement simply could not handle the job.

These issues were examined at a hearing before the Judiciary Committee on May 10, led by the chairman of the committee, Senator HATCH, and the ranking minority member, Senator BIDEN. At the hearing, five major themes emerged:

First, we should be very cautious about establishing exceptions to the Posse Comitatus Act, which reflects enduring principles concerning historic separation between civilian and military functions in our democratic society.

Second, exceptions to the Posse Comitatus Act should not be created for the purpose of using the Armed Forces to routinely supplement civilian law enforcement capabilities with respect to ongoing, continuous law enforcement problems.

Third, exceptions may be appropriate when law enforcement officials do not possess the special capabilities of the Armed Forces in specific circumstances, such as the capability to counter chemical and biological weapons of mass destruction in a hostile situation.

Fourth, any statute which authorizes military assistance should be narrowly drawn to address with specific criteria to ensure that the authority will be used only when senior officials, such as the Secretary of Defense and the Attorney General, determine that there is an emergency situation which can be effectively addressed only with the assistance of military forces.

Fifth, any assistance which authorizes military assistance should not place artificial constraints on the actions military officials may take that might compromise their safety or the success of the operation.

The Senate provision was drafted to reflect the traditional purposes of the Posse Comitatus Act and the limited nature of the exceptions to that act. The motion to recommit that we will be voting on in a few minutes would require the conferees to reinstate that provision with a minor technical clarification that has come to our attention since the Senate bill was passed.

Under the motion to recommit, the Attorney General would be authorized to request the assistance of the Department of Defense to enforce the prohibitions concerning biological and chemical weapons of mass destruction in an emergency situation.

The Secretary of Defense could provide assistance upon a joint determination by the Secretary of Defense and the Attorney General that there is an emergency situation, and a further determination by the Secretary of Defense that the provisions of such assistance would not adversely affect military preparedness. Military assistance could be provided under the motion to recommit only if the Attorney General and the Secretary of Defense jointly determined that each of the following five conditions is present. This is very narrowly drawn.

First, the situation involves a biological or chemical weapon of mass destruction.

Second, the situation poses a serious threat to the interests of the United States.

Third, that civilian law enforcement expertise is not readily available to

counter the threat posed by the biological or chemical weapon of mass destruction involved.

Fourth, that the Department of Defense special capabilities and expertise are needed to counter the threat posed by the biological or chemical weapon of mass destruction involved.

Fifth, that the enforcement of the law would be seriously impaired if Department of Defense assistance were not provided.

I have a very hard time understanding why the House of Representatives would not accept this provision. Maybe there is a reason, but I certainly have not heard that reason. Nothing that I have heard indicates why our military could not be used, when we have a biological or chemical weapon of mass destruction involved in the situation, a serious threat is posed to the interests of the United States, civilian law enforcement expertise is not available to counter the threat, Department of Defense capabilities are needed to counter the threat, and law enforcement would be seriously impaired if DOD assistance is not provided.

I think the American people would expect us to be involved in that with the military, to protect the lives of American citizens.

The types of assistance that could be provided during an emergency situation would involve operation of equipment to monitor, to detect, to contain, to disable or dispose of a biological or chemical weapon of mass destruction or elements of such a weapon. The authority would include the authority to search for and seize the weapons or elements of the weapons.

We may get into a situation where it is not entirely clear whether there is a chemical or biological weapon but someone has threatened that that kind of weapon is contained in a basement somewhere in a city.

If the President of the United States does not have this statutory authority, he is going to be very reluctant to put the military into downtown New York to look for chemical or biological weapons. It would be extremely dangerous for law enforcement to undertake that task, but the President will be on the very conservative side and very reluctant to take that step unless he has absolute belief that there is such a weapon and a disaster is impending.

Unfortunately we are not going to have that kind of clarity, in my view, in the future. So it is important for Congress to speak to this issue.

If the Biden amendment is agreed to and it goes back to conference, and this becomes law, the Attorney General and the Secretary of Defense would issue joint regulations defining the type of assistance that could be provided. The regulations would also describe the actions that the Department of Defense personnel may take in circumstances incidental to the provision of assistance under this section, including the collection of evidence. This would not include the power of arrest or search or seizure, except for the immediate protection of life or as otherwise authorized by this provision or other applicable law.

This provision is set forth in the motion to recommit. If it is agreed to, and I hope it is, it would make it clear that nothing in this provision would be construed to limit the existing authority of the executive branch to use the Armed Forces in addressing the dangers posed by chemical and biological weapons and materials.

The motion to recommit would address two important concerns. First, as a general principle, the types of assistance provided by the Department of Defense should consist primarily in operating equipment designed to deal with the chemical and biological agents involved, and that the primary responsibility for arrest would remain with the civilian officials. As a law enforcement situation unfolds, however, military personnel must be able to deal with circumstances in which they may confront hostile opposition. In such circumstances their safety and the safety of others and the law enforcement mission cannot be compromised by putting our military in that dangerous situation and then precluding them from exercising the power of arrest or the use of force.

Mr. President, some people wanted to pass a statute saying the military could do everything but they could never make an arrest. I think they ought to defer to civilians in almost all circumstances. But we do not want to have our military team out there in chemical gear, looking for chemical weapons, some of which may already be escaping, no policemen being able to go in because they do not have the equipment, no fire authority able to go in, run right into the people perpetrating the act and not be able to do anything about it. So we have to give them that kind of limited authority in unusual, and hopefully circumstances which, God forbid—I hope they will never occur. But I must say the likelihood of something like this occurring in the next 5 to 10 years in America is, in my view, very high.

The motion to recommit would require the Department of Defense to be reimbursed for assistance provided under this section in accordance with section 377 of title 10, the general statute governing reimbursement of the Department of Defense for law enforcement assistance. This means that if DOD does not get a training or operational benefit substantially equivalent to DOD training, then DOD must be reimbursed.

Under the motion to recommit, the functions of the Attorney General and the Secretary of Defense may be exercised, respectively, by the Deputy Attorney General and the Deputy Secretary of Defense, each of whom serves as the alter ego to the head of the Department concerned. These functions could be delegated to another official only if that official has been designated to exercise the general powers of the head of the agency. This would include, for example, an Under Secretary of Defense who has been designated to act for the Secretary in the absence of the Secretary and the Deputy.

The limitations set forth in the motion to recommit would address the appropriate allocation of resources and functions within the Federal Government; and are not designed to provide the basis for excluding evidence or challenging an indictment.

The motion to recommit, which reflects the Senate-passed provision, is prudent and narrowly drafted. It was strongly supported in the Senate by the chairman of the Armed Services Committee, Senator THURMOND. It was unanimously adopted by the Senate. The administration, both the Department of Defense and Department of Justice, have testified that current law is inadequate and they need authority to deal with chemical and biological terrorism similar to the authority they now have for nuclear terrorism. It is irresponsible to leave our law enforcement officials and military personnel without clear authority to deal with these dangers.

I know the argument is made that we already have the insurrection statute on the books, which possibly could cover this situation. I would like to just share with my colleagues, before I close, a reading of that statute so they will understand why we need to have clarification.

Under the insurrection statute, sections 331–335, title 10 United States Code, the President can use the military in the following situations.

To suppress an ''insurrection'' at the request of a State.

To suppress ''unlawful obstructions, combinations, or assemblages, or rebellion [that] make it impractical to enforce the laws of the United States in any State or Territory by the ordinary course of judicial proceedings.''

To suppress ''any insurrection, domestic violence, unlawful combination, or conspiracy'' if it ''so hinders the execution of laws'' that a State or the Federal Government cannot enforce the laws.

Before using these authorities, the President must issue a proclamation that, ''order[s] the insurgents to disperse and retire peacefully to their abodes within a limited time.''

Can you imagine somebody coming into the President saying, ''Mr. President, we expect an attack. We cannot prove this but we expect a chemical attack in New York City or Chicago in the next 12 to 24 hours. We desperately need our military teams to go to a potentially hostile situation with protective gear to detect and determine if that kind of material is present within certain areas of New York.''

And the President says, ''How do I do that?''

They say, ''Mr. President, what you first have to do is issue a proclamation, saying that the insurgents should disperse and retire peacefully to their abodes within a limited time.''

Mr. President, can you imagine a President saying to his staff, ''You mean you want me to issue that? We have a terrorist group in New York City running around and you want me to issue a proclamation for the whole world to see and for the American people to laugh at, saying that the insurgents must disperse and retire peacefully to their abodes within a limited time? I will be laughed out of the White House if I do that.''

Any President would be extremely reluctant to use that kind of authority. Besides that, this is not an insurrection. It is not an unlawful combination or conspiracy designed to hinder execution of the laws. To fit chemical or biological terrorism under the insurrection statute would require an extremely awkward and very stretched application. I think the President would only use that if he was absolutely convinced that being scoffed at and made fun of all over the world by issuing such a ''disperse and retire peacefully'' order would be outweighed by almost the certainty that that kind of calamity was about to happen.

These statutes are designed to deal with civil disorders, not terrorism. When the terrorists are on the subway with chemical or biological agents of mass destruction, must we await the President's issuing of a proclamation and ordering the terrorists to ''retire peacefully to their abodes?''

The reason we have the statute that allows military assistance in the event of nuclear offenses is to provide for prompt and effective employment of military personnel to address the emergency, without the need to interpret the law or determine whether there is some inherent authority to assist. Chemical and biological weapons are more likely to be used, and they present the same problems of mass catastrophe as do nuclear weapons, and we should not delay clarification of the authority of the military personnel to provide specific assistance in emergency situations.

I do not understand why people oppose this. I cannot understand why the House opposes it. I think it is irresponsible not to proceed as the Senator from Delaware is urging us to proceed with his motion.

I know there is one other argument that says, because of a Supreme Court decision, there is inherent authority for the President to act with the military or with whatever he has to use to protect against the immediate threat to life. I would not deny that in certain situations the President might use this authority. Certainly in desperate situations he might. This is not statutory authority. It requires him to exercise constitutional, inherent authority. This is a very difficult situation and the military personnel involved, if the President is wrong in his assessment of inherent and immediate threat to life, would be at risk. They would be at risk of lawsuits and liability. They would be at risk of all sorts of problems if the President is wrong because they would not be acting under color of law.

So this immediate-threat-to-life inherent authority, though possibly available in desperate situations, is simply not the way to proceed. It would be a classic lawyers' debate. What we are doing now, if we leave the law as it is, as this bill before us will do unless it is amended, unless it is sent back to conference and amended, we are basically saying we are going to have one big furious debate among lawyers as to what authority would be used in what could be a matter of urgency, extreme urgency where every minute and every hour counted for the military to get into the business where we have a true emergency and American life is threatened.

So the present law is inadequate. The constitutional inherent authority of the President is inadequate in this situation, and the insurrection law would be, I think, resisted fiercely by any President where you would have to basically make an almost preposterous-type plea for the people who are perpetrating this act of terrorism to disperse and retire peacefully to their abodes within a limited time.

I would like to hear someone explain why this is not part of this conference report. I know that the Senate supported it. My colleague, Senator HATCH, I am sure, urged its adoption in the House of Representatives. I do not understand why this has been taken out of this bill.

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

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I know the distinguished Senator from Washington would like to make some remarks, but let me just make a few comments about the remarks of my distinguished friend from Georgia.

I do not entirely disagree with Senator NUNN, the distinguished Senator from Georgia. At the outset, I want to call my colleagues' attention to the fact that the Congress has already acted in this area this year. Section 378 of the National Defense Authorization Act of fiscal year 1996, which is already law, specifically provides the military can provide training facilities, sensors, protective clothing and antidotes to Federal, State, and local law enforcement in chemical and biological emergencies.

From this country's earliest days, the American people have sought to limit military involvement in civilian affairs. In the wake of the terrible tragedy in Oklahoma, with the heightened sensitivity to the threat of terrorism this country faces, some feel like giving the military a more prominent role in combating terrorism both here and abroad. This is not a policy we should rush into.

I must add, I support the provision, which is known as the Nunn-Thurmond provision, in the Senate bill. Americans have always been suspicious of using the military in domestic law enforcement, and rightly so. Civilian control of the military and separation of the military from domestic law enforcement feature prominently in the early history of this country, from the Declaration of Independence to the Constitution and Bill of Rights. Indeed, the Declaration of Independence listed among our grievances against the King of England that he had ''kept among us, in times of peace, Standing Armies without the Consent of our legislature,'' and had ''affected to render the Military independent of and superior to the Civil Power.''

It was abuse of military authority in domestic affairs, especially in the South after the Civil War, that motivated Congress to impose the first so-called posse comitatus statute. The term ''posse comitatus'' means power of the country and has as its origin the power of the sheriff through common law to call upon people to help him execute the law.

The statute, in 18 U.S.C. 1385, prevents the Federal Government from using the Army or Air Force to execute the law, except where Congress expressly creates an exception. Domestic law enforcement thus remains as is, in the hands of local communities.

Currently, as I understand it, Congress has created only limited exceptions to the Posse Comitatus Act. The President can call out the military if terrorists threaten the use of nuclear weapons or if the rights of any group of people are denied and the State in which they reside is unable or unwilling to secure their lawful rights.

The military is also authorized to share intelligence information with Federal law enforcement in attempts to combat drug trafficking. These are limited exceptions to the act, however, and do not generally empower the military to be actively involved in the enforcement of domestic laws. We have done well with a separation between military authority and domestic law enforcement. Although this proposal seems sensible and appears simply to expand upon the military's preexisting authority, to become involved if the use of nuclear weapons or biological or chemical weapons is threatened, it may, in fact, be unnecessary.

The premise underlying this amendment is that there does not exist among civilian law enforcement the expertise to deal effectively with chemical or biological agents. However, I believe that such expertise is available outside of the military. Particularly in the area of chemical agents, civil authorities and even the private sector have considerable experience in containing these substances.

Moreover, the military can already assist civil authorities in all aspects of responding to the type of crisis contemplated by this amendment but one: The actual use of military personnel to disable or contain the device. The military can lend equipment, it can provide instructions and technical advice on

how to disable or contain a chemical or biological agent, and it can train civil authorities, if necessary.

The one thing that this amendment adds to the military's ability to assist civil law enforcement is the permission to put military personnel on the scene and inject them directly into civilian law enforcement. This is, in my view, the one thing we should not do.

This amendment would raise troubling implications going to the heart of the Posse Comitatus Act. It recognizes, as it must, that whenever law enforcement personnel are engaged in an evolving criminal event, there are unpredictable and exigent circumstances. The personnel on the scene must be able to take the necessary steps, including making arrests, conducting searches and seizures and sometimes using force to protect lives and property. Yet, the posse comitatus statute was enacted precisely to ensure that the military would not engage in such civilian law enforcement functions.

Let me just say this. I agreed to the language that the distinguished Senator would like to put back in this bill in the Senate bill. I would not be unhappy if that language was in this bill. Unfortunately, the reason it is not is because we have people in the other body who basically are concerned about some of these issues that I have just raised. Rightly or wrongly, they are concerned, and we were unable in our deliberations, as much as we got this bill put together, as much as we have made it a very strong bill, we were unable to get that provision in.

Let us just be brutally frank about this. If there is a motion to recommit on this issue, or any other issue, and that motion is approved by the Senate, then the antiterrorism bill is dead. If we do not, there will be a chance to put it through.

Frankly, we have a very good bill here. It may not have every detail in it that I would like to have. It does not have every detail in it that the chairman of the House Judiciary Committee would like to have or our distinguished colleagues Senators BIDEN or NUNN would like to have. I might add, it does not have all the provisions in it that Congressmen BARR and MCCOLLUM and BUYER and SCHIFF and others would like to have.

Nobody is totally going to get everything they want in this bill. But what it does have is a lot of good law enforcement provisions that will make a real difference, in fact, right now against terrorism in our country and internationally. We simply cannot shoot the bill down because we cannot get a provision in at this particular time that we particularly want.

We all understand this process. We all understand that we cannot always get everything in these bills that we want to. But I will make a commitment to my friend and colleague from Georgia, as I have on other matters. I do not disagree with him in the sense that this is something that perhaps we should do. I will make a commitment to do everything in my power to make sure we look at it in every way, and if we do not do it here—and I suggest we should not do it here on this bill under these circumstances—then I will try later in a bill that we can formulate that will resolve some of these conflicts that both the distinguished Senator from Delaware and I and the distinguished Senator from Georgia and I would like to see in this bill—and others, I might add.

So there is no desire to keep anybody's provision out of the bill. There is no desire to not solve this problem. The problem is we cannot do it on this bill and pass an antiterrorism bill this year. I think one reason the President called me last Sunday, I am sure, is because he has been asking us to get him a terrorism bill. This is it. This is the week to do it. I think we have done a really extraordinary job of bringing this bill back from what it was when the House passed its bill.

I give credit to the House Members. There have been a lot of wonderful people over there who have worked hard on this. I have mentioned some of them in my remarks here today. But certainly the distinguished chairman over there, CHUCK SCHUMER, and others, and BOB BARR and others, have worked very hard on this bill.

None of us have everything we want in this bill. And none of us want to see it go down to defeat because of any one provision that we can solve later as we continue to study and look at this matter.

Also, one of the problems we have had in trying to bring together people on this very important piece of legislation is that there have been some perceptions over in the House as a result of some of the mistakes that law enforcement has made that perhaps we might be going too far if we follow completely the Senate bill as it came out of the Senate Chamber.

I think those perceptions are wrong, but the fact is they are there. I think we have to work on them and educate and make sure that we, by doing future bills, will resolve these problems, solve them in the minds of not only Members of the House of Representatives who have complaints against some of this information, but also in the minds of others who would like their own provisions in the bill.

I have to say there are some—and I do not include the distinguished Senator from Georgia among them—but there are some who are just plain and simply trying to stop this bill. They hate the habeas corpus provisions of this bill. I know the distinguished Senator from Georgia does not, that he is with me on those issues, but they do. And they will use any strategy to try to stop this bill because they do not want to have death penalty reform. This bill is going to bring that to all of us. It is worth it.

If that is all we had in this bill, it is the one provision that every victim who appeared here yesterday and in the past has said they want more than anything else. There is a very good reason to pass this bill for that reason alone. But there are so many other good provisions in the bill that we ought to pass it. We ought to pass it, even though one or more provisions that we think might make the bill better cannot be put into it at this time.

We have really worked our guts out to come out with a bill that I think can be supported in a bipartisan manner. We have really worked hard on that. I do not care who gets the credit for this bill. I can say we have worked very, very hard to have a bill that all of us can be proud of. And I think we do have one. Does it have everything in it? No. But it has so much in it that we really have to go ahead and get it done.

If this motion or any subsequent motions to recommit are passed, this bill will be dead. I think that would be one of the most tragic things that this body could do this week, just a few days before the anniversary date of the Oklahoma City bombing.

Yesterday, we had people from Pan Am 103 here as well. We had others. Frankly, they all asked us to get this bill through. I am doing everything I can to get it through. So I hope people will vote against this motion even though I myself have a great deal of respect for the Senator from Georgia, a great deal of empathy for his position, and I would, even if I did not understand it, I would want to support him as I often have done through the years here on the floor of the U.S. Senate.

I think basically that says it. I hope people will vote against any motion to recommit because it would be tragic for this bill to go down. I cannot imagine the majority voting it that way. I hope they will not in this particular instance.

I yield the floor.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, I will just make a few brief remarks.

I have tremendous respect for my friend from Utah. He knows that. He and I have been on the same side of the habeas corpus issue for a long time. Now the Governor of Florida, then Senator from Florida, Lawton Chiles, and I came to the floor for 2 or 3 weeks in a row every day back in the 1970's, I believe—time slips by—about the importance of reform in habeas corpus. So I certainly share his view on that.

As much as I think that needs reforming, I do not think that habeas corpus statutes are the problem now. It has been somewhat modified by the courts themselves. I do not think that is as urgent as what we are talking about here, because with the hearings we have had and with the tremendous amount of effort that I have made and Senator LUGAR and others have made in this whole problem of the proliferation of chemical and biological weapons, I do not know whether anything is

going to happen next week, next month, or next year.

I do know that we could have some calamity happen without any notice in this area. I hate to see our Nation so ill-prepared to deal with a threat that is much more likely to happen than some of the threats that we are prepared to deal with.

Mr. President, something has happened to our Republican friends in the House of Representatives. I am not sure what deal was struck over there, but I recall very well being on the floor of the Senate—and my friend from Utah probably recalls this, too—when the House of Representatives passed an amendment—this was a good many years ago during the Reagan administration—that basically gave an order, waived the posse comitatus statute, gave the order, I believe by Congressman HUNTER from California, to shut the borders down with our military, basically shut them down, I believe, within 45 days saying the military would be deployed all over the borders of the United States to basically close the borders, not let any drugs come through.

We computed that we would have to bring all our military forces back from Europe, from Korea, from Japan, everywhere else to put them side by side virtually on the border to comply with that. It passed the House, and it was a Republican-sponsored amendment. Of course, after some light was shone over here on the floor of the Senate, we rejected that amendment. It did not happen.

I also have a long history in this posse comitatus area because I thought certain carefully crafted exceptions to the statute needed to be made in the law enforcement and drug area, but carefully constructed so we did not get our military involved in search and seizure and arrest on a routine basis. I found myself debating the then-Senator from California, now Governor of California, where he proposed an amendment that would have had the military be able to make any kind of arrest and search and seizure for drug transactions in the domestic United States.

That was another very, very broad waiver of the posse comitatus statute that I would have opposed. This would have made, on a routine basis, a military response for law enforcement. I opposed that. That was going too far.

Here we have my colleagues on the House side, and for some reason now they have switched all the way over and they are worried about even using the military in a situation where we have a desperate situation with chemical and biological weapons where nobody else can handle it. I do not understand it. I do not understand what has transpired. But something strange has taken place here.

I do think we have to approach this whole posse comitatus area with great care. We do not want our military engaged in law enforcement except as an absolute last resort when there is no other alternative and when the result of failure to be involved would be catastrophic.

I also would ask my friend from Utah—and I know he has tried to sustain the Senate position on this; I know him well enough to know that he has done that, and you cannot do it on every item in conference—but I do not understand how people who supported the exception on the nuclear side to the posse comitatus statute that was made at the Reagan administration's request have a different view now. During the Reagan administration, they said they needed this exception. We had the same Constitution then, the same Supreme Court decisions, the same insurrection statute, but they wanted an exemption in the nuclear area so they could clearly have statutory authority. We supported that. That was not a partisan issue at all. Democrats and Republicans supported it. President Reagan signed it into law.

Now we have the same kind of situation, almost identical, in the chemical and biological area. We have a different President in the White House, who is a Democrat, and we have a whole switch in positions where people say, ''Oh, we don't need this. We don't need it. We can't give them this authority,'' and so forth. I do not understand it. I understand partisan positions, but I do not understand completely switching philosophical positions on something of this nature.

I make one other point. The Senator from Utah mentioned the provision we passed recently in the defense authorization bill that allowed the equipment of the military to be used and to be loaned to law enforcement and other domestic officials in situations that are chemical-biological. That is a very useful addition to the present authority. What you have to have there is personnel who are trained to use that equipment. You cannot jump into chemical protective gear and know how to operate it in an emergency situation, if the Defense Department brings it in and hands it to local police. You have to be trained in that.

The military spends hundreds of hours training people in that regard. It will take years and years and years to train our domestic law enforcement and fire officials all over this country in the use of that kind of equipment. Unless they are already trained, that statute will not be available for practical use in an emergency situation. They may try to use it, but it will not do the job because it does not authorize military personnel to operate the equipment.

We simply have a multiple number of cities around this country that could be struck, and we cannot freeze out and prevent our military from being involved in an emergency dire situation as a last resort. We have to have people who are trained and know how to use the equipment, not only protective gear but protective equipment. It cannot be done at the last minute when there is an immediate threat of attack.

Mr. President, I would not be speaking in favor of this motion to recommit on an important bill like this if I did not think that the failure to act in this regard could have a very serious consequence. None of us can predict at what time interval something like this will occur. I hope never.

I must say, the probability of having some kind of chemical or biological attack in the United States in the next several years is, in my view, a rather high probability. We will have to do a lot more than we have done so far to get ready for it. I hope that somehow the House of Representatives will recognize that.

I know the Senator from Utah is absolutely sincere in his willingness to revisit this issue and try to put it on another bill. If this motion does not pass, I will work with him in that regard. I hope that those in the House will reexamine their position. I hope they get some of their staff to go through the records. We have had a considerable number of hearings on this explicit point.

We have had all sorts of expert testimony from the fire chiefs around the country, from law enforcement officials, from Justice Department officials, the FBI, the military. We have had detailed hearings on the attack in Tokyo, what occurred there. Not only are we not prepared law enforcement-wise in this regard, we do not have the emergency medical training required in most of our American cities to deal with the aftermath of this kind of event if it did occur. We would simply be overwhelmed, and people would ask all of us, ''Where were you when this threat was being discussed, when you were, basically, responsible for doing something about it? Why did somebody not try to prevent it from happening, or at least prepare us to deal with the terrible medical, tragic consequence of this kind of attack?''

Again, I urge the Biden amendment be adopted.

Mr. GORTON. Mr. President, in monitoring the beginning of this debate, a set of lyrics from a source that I usually do not use came to mind as a bit of advice for the distinguished Senator from Delaware. These lyrics come from the Rolling Stones: ''You can't always get what you want. But if you try real hard you just might find, you just mind find, you get what you need.''

Now, Mr. President, the conferees have tried real hard. They have tried real hard and I think indisputably, they have produced a bill that we very, very much need.

Most of this afternoon, however, has been spent pointing out the bill's shortcomings, elements that the Senator from Delaware or the Senator from Georgia or, for that matter, the Senator from Utah wish were in the bill but are not. Certainly, this bill is not everything that the Senator from Delaware wishes, but it does contain a

lot of what he thinks is constructive. Even he admits, and I think I am quoting correctly, it is a ''useful, if frail'' antiterrorism bill.

Senator HATCH, the distinguished Senator from Utah, has already outlined the positive steps in connection with a campaign against terrorism which are included in the conference report that is before the Senate now. I will not take up the time of the Senate simply by repeating them now. What we are faced with in the course of the current debate, however, is the question of whether or not we should reject what the conference committee has done, send it back, and ask that the committee effectively start all over again.

This conference committee has labored long enough. I do not believe that the Senator from Utah has left anything on the table. I do not think that he walked away having omitted anything from this bill that his very best efforts and the help of other Senate Members in both parties could possibly have gotten included for us to make better an already fine proposition.

What we have here is a meaningful antiterrorism bill, one that will make the law better than it is at the present time, one that will help the President and our Federal law enforcement officers by adding to the tools to deal with a new, highly regrettable situation with which our society is faced.

But there is something else in this bill, Mr. President. That something else is highly controversial, something that I believe the President of the United States would just as soon not have in it, something that I think a number of other Members wish were not a part of this bill. Something, however, that I think is particularly important. That is the reform of our entire habeas corpus procedures in connection with the conviction for serious crimes.

Doing something about a flawed habeas corpus system has been discussed in this Senate since I began serving here over a decade ago. We finally have an opportunity this evening in connection with this bill to do something positive about it.

I believe that the Senator from Delaware has complained that habeas corpus reform is not relevant to an antiterrorism bill. Just as an aside, Mr. President, I find it a charming argument coming from the side of the aisle which insists on our voting on Social Security amendments and minimum wage amendments as a part of the debate over immigration. I am tempted to say that we might have stronger rules of relevance in connection with all of our debates. Be that as it may, I am convinced that habeas corpus is relevant to a bill with respect to terrorism.

Mr. President, to deal effectively with any criminal challenge, we must have effective, clear, and cogent criminal statutes. We must have strong and skilled law enforcement officers to enforce those statutes and to arrest people who violate them. It is also absolutely vital, Mr. President, that when we do so, that when our system of justice has moved from apprehension through trial and conviction, that the people of the United States have a degree of confidence in the finality of those convictions after appropriate appeals, and that the punishments prescribed in those statutes will actually be carried out. That is an area, a field in which we have been a significant failure, Mr. President, because of the almost unlimited nature of our habeas corpus provisions.

We talk of doing something about terrorism and the fear it instills because the people of the United States lack trust and confidence in their criminal justice system and feel unsafe on their streets, at least in part because they see delay after delay, appeal after appeal, a total lack of finality, thousands of dollars after thousands of dollars going into the endless delays in the execution of sentences, particularly related to capital punishment.

Now, reforming habeas corpus is vitally important in that connection, Mr. President, and not just with respect to antiterrorism legislation, but with respect to all of the other serious crimes principally contained in our State and Federal criminal codes.

Let us move from the abstract to the concrete for just a few moments. I would like to remind my colleagues of the subject on which I have spoken a number of times in the course of the last Congress—one particular case in the State of Washington, which illustrates the frustration that our people feel with a system of endless appeals.

Charles Campbell was tried and sent to jail for the rape of a particular woman in a county just north of Seattle, WA. When he was on work release he went back to the home of this woman and murdered her, together with her 8-year-old daughter and a neighbor who just happened to be in the way. In 1982, he was charged with capital murder for those offenses and convicted. By 1984, that conviction had gone through the entire State court system, and the conviction and sentence had been affirmed by the Supreme Court for the State of Washington. From 1984 to 1994, Mr. President—10 additional years—57 separate actions were taken in the Federal courts of the United States—a first direct appeal to the Supreme Court of the United States, which was turned down, followed by innumerable petitions for habeas corpus and appeals from various orders in those habeas corpus petitions.

Remember, Mr. President, that even after a capital case has gone through all of its State court appeals and has been appealed to the Supreme Court of the United States, which has either affirmed it or failed to act, a single Federal district court judge can interrupt the process. That single judge can make a determination that all of the previous judges were wrong and send the case back to the State courts. More frequent than that, of course, is that the single Federal court judge, and then a circuit court of appeals, and perhaps then, again, the Supreme Court of the United States, finds nothing in error in these processes and affirms the State court decisions, at which point the process often starts over again with the filing of another petition for habeas corpus.

That, Mr. President, more than any other single factor, I think, has caused the people of the United States to lose an important degree of faith in their criminal justice system.

A reform of that system, not to deny a right of appeal, but in effect—except under extraordinary circumstances—to give only a single bite at the apple through the Federal court system, is the subject of the habeas corpus provisions that have been shepherded through both Houses of Congress by the distinguished Senator from Utah.

It is my opinion, Mr. President, that these provisions complement, and are as important, or more important, than the strictly antiterrorism elements of this legislation. It is my opinion that the more strictly antiterrorism provisions of this legislation are themselves important. I find myself in agreement with all of those here, and I think that includes every Member of the Senate who has spoken on this subject, that we ought to do better, that we ought to have more antiterrorism legislation. I think it very unlikely that that is going to happen in the course of this Congress.

As I have said before, I think the Senator from Utah got everything out of this conference committee that he could get, and the effect of a motion to recommit would simply be that we would either have no legislation on this subject, or this identical legislation, which is important, would be delayed.

Delays have already been too long, Mr. President. I sincerely hope that the Members of the Senate will reject a motion to recommit and will promptly pass this legislation. The House is certain to do the same. We will, when the President has signed it, move forward on two distinct but related fields—significant progress with respect to antiterrorism, and significant progress with respect to reforming our habeas corpus system. For that, the Senator from Utah, and all who have worked on this legislation, deserve our grateful thanks and the thanks of the American people.

Mr. BIDEN. Mr. President, I am sure my friend from Washington is aware that these are Federal offenses we are creating here. They have nothing to do with State habeas corpus. He is aware of that, is he not?

Mr. GORTON. Yes. I think the Senator from Washington said when the Senator from Delaware was off the floor that he regards it as rather touching that the Senator from Delaware wants to make sure everything

we do is relevant to Federal antiterrorism legislation, when I believe he has been supporting the proposition on the other side of the aisle that immigration legislation should carry Social Security amendments with it and a number of other subjects of that sort.

This legislation is, of course, dealing with Federal statutes and with Federal courts. Habeas corpus legislation, of course, deals primarily with State laws and State convictions, but with the interference by the Federal courts in those procedures.

If the Senator would further yield a moment, I ask unanimous consent that a chronology of the Campbell case be printed in the RECORD.

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

April 14, 1982: Campbell beats and murders Renae Wickland, in her Clearview, WA home, then beats and murders Wickland's 8-year-old daughter, along with a neighbor who stopped by the home.

November 26, 1982: Campbell is convicted of aggravated first degree murder in Snohomish County Superior Court.

December 17, 1982: Campbell is sentenced to death in Snohomish County Superior Court.

November 6, 1984: Washington State Supreme Court affirms Campbell's conviction and sentence.

April 29, 1985: The United States Supreme Court denies Campbell's request to hear an appeal of his conviction.

July 22, 1985: Campbell files an appeal in federal district court.

February 16, 1986: Federal district court denies Campbell's appeal after an evidentiary hearing.

February 18, 1986: Campbell appeals to the Ninth Circuit Court of Appeals.

October 6, 1987: The Ninth Circuit Court affirms the district court's decision denying Campbell's appeal.

June 8, 1988: The State of Washington moves to remove the stay on Campbell's execution.

July 10, 1988: Ninth Circuit Court of Appeals denies the state's request.

August 19, 1988: Campbell appeals his case again to the United States Supreme Court.

November 7, 1988: The U.S. Supreme Court refuses to hear Campbell's appeal.

November 8, 1988: State of Washington files motion to move forward with execution of Campbell.

December 6, 1988: State Supreme Court agrees with State's motion, denying the stay of execution.

January 25, 1989: Ninth Circuit Court of Appeals agrees with State Supreme Court, dissolving the stay of execution.

February 15, 1989: Snohomish County Superior Court issues a death warrant for Campbell's execution for March 30, 1989.

March 7, 1989: Campbell files appeal with State Supreme Court and a motion to stay the execution. In both documents he raises several unsupported challenges to hanging as a method of execution.

March 23, 1989: The State Supreme Court unanimously rejects all of Campbell's challenes against hanging and denies his motion to stay the execution. The court concludes that none of his issues warrant further consideration.

March 24, 1989: Federal District Court Judge John Coughenour, anticipating another appeal by Campbell in federal court, summons attorneys for both sides into his chambers to discuss the matter. Upon learning from Campbell's attorneys that they intended to file an appeal the following Monday, March 27, the judge calls for an evidentiary hearing that day and in no way limits the issues that Campbell and his attorneys will be allowed to raise. The judge also orders Campbell and his former trial attorney to be present regarding Campbell's claim of ineffective counsel.

March 27, 1989: Campbell files another appeal and, at the evidentiary hearing, raises three issues regarding hanging: (1) hanging will deprive him of constitutional right against cruel and unusual punishment; (2) the state has no one qualified to perform the hanging; and (3) having to choose between execution by lethal injection or hanging violates his protection against cruel and unusual punishment and his First Amendment freedom of religion. Campbell and his attorneys offer no evidence to substantiate these issues and he again claims he was represented by ineffective counsel. Later that day, Judge Coughenour rejects Campbell's charges against hanging, and denies his motion to stay the execution.

March 28, 1989: Campbell appeals Judge Coughenour's denial to the Ninth Circuit Court of Appeals. The Ninth Circuit stays Campbell's execution, pending the appeal.

June 27, 1989: Attorneys for the State and for Campbell present oral argument to the Ninth Circuit Court.

February 21, 1991: The Ninth Circuit orders the withdrawal of Campbell's latest appeal, pending responses by the attorneys on the question of whether Campbell has exhausted all legal avenues in state court.

March 4, 1991: The State responds to the 2/21/91 order, demonstrating that Campbell has exhausted all other state remedies.

June 3, 1991: Campbell's attorneys inform the State Supreme Court that they intend to file another appeal. This will be his third separate appeal.

August 7, 1991: The Ninth Circuit grants Campbell's request to discharge his attorney, and delays its ruling on other issues, pending review of Campbell's new appeal, which has not yet been filed.

September 13, 1991: Campbell files his third appeal.

October 25, 1991: Bypassing the Ninth Circuit, the State asks the U.S. Supreme Court to compel the Ninth Circuit to resolve Campbell's earlier appeal (not the third appeal filed on 9/13/91).

January 13, 1992: The U.S. Supreme Court denies the State's request to compel the Ninth Circuit to rule on Campbell's appeal, but indicates the State may make additional requests ''if unnecessary delays or unwarranted stays'' occur in the Ninth Circuit's handling of the Campbell case.

March 9, 1992: The U.S. District Court dismisses Campbell's third appeal filed on 9/13/91.

April 1, 1992: The Ninth Circuit Court affirms the district court's denial of Campbell's earlier appeal (not the appeal denied by the district court on 3/9/92).

April 22, 1992: The State asks the Ninth Circuit to allow Campbell's execution to move forward and to conduct an expedited review of Campbell's third appeal (the appeal filed on 9/13/91).

May 5, 1992: The Ninth Circuit denies both requests by the state.

May 14, 1992: The State asks the Ninth Circuit to reconsider both of its May 5 rulings.

May 15, 1992: Campbell's attorney and Campbell himself ask the Ninth Circuit Court for a rehearing.

June 4, 1992: Campbell's attorney files legal brief in Campbell's third appeal.

December 24, 1992: The Ninth Circuit affirm's the district court's denial of Campbell's third appeal.

January 20, 1993: The Ninth Circuit hears oral arguments on Campbell's second appeal.

January 26, 1993: The Ninth Circuit grants a request by Campbell's attorney for a rehearing of Campbell's third appeal, the denial of which the court affirmed on 12/24/92.

January 29, 1993: The Ninth Circuit, in its reconsideration of Campbell's second appeal, orders attorneys for Campbell and the State to submit written arguments on whether hanging is cruel and unusual punishment, and whether an evidentiary hearing should be held in federal district court on the issue of hanging.

April 28, 1993: The Ninth Circuit orders Campbell's case back to federal district court for an evidentiary hearing on whether hanging is cruel and unusual punishment.

May 4, 1993: The State asks the Ninth Circuit to reconsider its April 28 order.

May 7, 1993: The Ninth Circuit denies the State's request.

May 10, 1993: The State appeals to the U.S. Supreme Court, asking it to set aside the evidentiary hearing in federal district court and to require the Ninth Circuit court to rule on whether hanging violates the Constitution.

May 14, 1993: Supreme Court Justice Sandra Day O'Connor issues a four-page chamber opinion indicating a single high court justice does not have the authority to overrule an order by the Ninth Circuit. She cites the ''glacial progress'' of the Campbell case and dismisses the State's appeal ''without prejudice,'' leaving open the door for the state to press its case before the full Supreme Court.

May 17, 1993: The State appeals the Ninth Circuit order to the full Supreme Court.

May 24–26, 1993: Judge Coughenour conducts an evidentiary hearing on whether hanging is cruel and unusual punishment.

June 1, 1993: The U.S. Supreme Court denies without comment the State's request to vacate the Ninth Circuit's order to conduct the evidentiary hearing.

June 1, 1993: Judge Coughenour issues his findings and conclusions, ruling that Washington's judicial hanging protocol fully comports with the Constitution and does not constitute cruel and unusual punishment.

February 8, 1994: The Ninth Circuit rules 6–5 that hanging does not constitute cruel and unusual punishment and that being forced to choose death by lethal injection, or face death by hanging does not violate Campbell's constitutional rights. The ruling states that the stay of execution will be lifted and the mandate ordering the execution will be issued 21 judicial days following the order.

February 15, 1994: Attorney General Christine O. Gregoire files a motion with the Ninth Circuit to lift the stay of execution. Attorneys for Campbell also file motions to continue the stay of execution and to request reconsideration of the Ninth Circuit's February 8 ruling by the full Circuit Court.

March 21, 1994: After waiting more than one month for the 9th Circuit to act on her motion, Attorney General Gregoire asks the U.S. Supreme Court to remove the stay of execution. Also on this date, the U.S. Supreme Court rejects Campbell's appeal for a hearing on his third habeas petition.

March 25, 1994: Justice Sandra Day O'Connor refuses to lift the stay of execution.

March 28, 1994: This date marks the fifth anniversary of the stay of execution imposed by the 9th Circuit Court of Appeals.

April 14, 1994: This date marks the 12th anniversary of the three murders committed by Campbell.

April 14, 1994: 9th Circuit Court of Appeals lifts stay of execution.

April 15, 1994: State sets May 27, 1994 executive date.

May 3, 1994: Campbell asks U.S. Supreme Court to stay execution and rule on claim

that hanging is unconstitutional method of execution.

May 27, 1994: Campbell is executed.

Mr. BIDEN. Mr. President, once again, my friend misses the point. I am not objecting to the State portion being put in here. That is not relevant. It has nothing to do with terrorism. It is not going to effect the bill. My colleague talks about this having an impact on terrorism. I believe we should reform State habeas corpus. We should, and it is appropriate to do it in this bill, as long as my friend from Washington does not have any illusions that he can go back and tell the people of Washington that by effecting State habeas corpus he has done something about terrorism. That is the point. It is relevant, just not relevant to stopping terrorism.

The second point I will make—and then I will make my motion—is that people have been asking me about time. I am willing to enter into a time agreement. There are a maximum of a possible 14 motions. I doubt whether they will all be used. I am prepared to agree to one-half hour, equally divided, and to a time certain to vote tomorrow, or tonight, or whenever anybody wants to vote on it. So I want everybody to know that. I understand we may be trying to work that out now.

Mr. HATCH. If the Senator will yield, that would be fine with me—one-half hour equally divided. I am prepared to go and get it done. This is that important. The President has asked for it. He said he wants it as quickly as we can do it. We have all week, but we might as well find out whether we can do it at all. I believe we can, and with cooperation we can get this done. I am happy to cooperate and do it that way—just go bing, bing, bing, from here on out.

Mr. BIDEN. I have no objection to keep going now. That is a call of the leadership. That is up to them. In the meantime, while we are figuring out how long we are going to go——

Mr. HATCH. If the Senator will yield, we need to see what all the motions are. We need to know what those are. We would appreciate that.

Mr. BIDEN. I would be happy to do that.

MOTION TO RECOMMIT

Mr. BIDEN. I offer a motion on behalf of Senator NUNN and myself to recommit the conference report with instructions to add a provision to give the military authority in the cases of emergency involving chemical and biological weapons of mass destruction.

Mr. President, once I formally make that motion, I would suggest to my colleagues that we will regret mightily if there is a chemical attack and this does not pass.

I now formally offer that motion to recommit.

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

The PRESIDING OFFICER. The clerk will read the motion.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for Mr. NUNN, for himself and Mr. BIDEN, moves to recommit the conference report with instructions to add provisions.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the motion be dispensed with.

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

The motion is as follows:

Motion to recommit the conference report on the bill S.735 to the committee of conference with instructions to the managers on the part of the Senate to disagree to the conference substitute recommended by the committee of conference and insist on inserting the following:

SEC. . AUTHORITY TO REQUEST MILITARY ASSISTANCE WITH RESPECT TO OFFENSES INVOLVING BIOLOGICAL AND CHEMICAL WEAPONS.

(a) BIOLOGICAL WEAPONS OF MASS DESTRUCTION.—Section 175 of title 18, United States Code, is amended by adding at the end the following:

''(c)(1) MILITARY ASSISTANCE.—The Attorney General may request that the Secretary of Defense provide assistance in support of Department of Justice activities relating to the enforcement of this section in an emergency situation involving biological weapons of mass destruction. Department of Defense resources, including personnel of the Department of Defense, may be used to provide such assistance if—

''(A) the Secretary of Defense and the Attorney General determine that an emergency situation involving biological weapons of mass destruction exists; and

''(B) the Secretary of Defense determines that the provision of such assistance will not adversely affect the military preparedness of the United States.

''(2) As used in this section, 'emergency situation involving biological weapons of mass destruction' means a circumstance involving a biological weapon of mass destruction—

''(A) that poses a serious threat to the interests of the United States; and

''(B) in which—

''(i) civilian expertise is not readily available to provide the required assistance to counter the threat posed by the biological weapon of mass destruction involved;

''(ii) Department of Defense special capabilities and expertise are needed to counter the threat posed by the biological weapon of mass destruction involved; and

''(iii) enforcement of the law would be seriously impaired if the Department of Defense assistance were not provided.

''(3) The assistance referred to in paragraph (1) includes the operation of equipment (including equipment made available under section 372 of title 10) to monitor, contain, disable, or dispose of a biological weapon of mass destruction or elements of the weapon.

''(4) The Attorney General and the Secretary of Defense shall jointly issue regulations concerning the types of assistance that may be provided under this subsection. Such regulations shall also describe the actions that Department of Defense personnel may take in circumstances incident to the provision of assistance under this subsection. Such regulations shall not authorize arrest or any direct participation in conducting searches and seizures that seek evidence related to violations of this section, except for the immediate protection of human life, unless participation in such activity is otherwise authorized under paragraph (3) or other applicable law.

''(5) The Secretary of Defense shall require reimbursement as a condition for providing assistance under this subsection in accordance with section 377 of title 10.

''(6)(A) Except to the extent otherwise provided by the Attorney General, the Deputy Attorney General may exercise the authority of the Attorney General under this subsection. The Attorney General may delegate the Attorney General's authority under this subsection only to the Associate Attorney General or an Assistant Attorney General and only if the Associate Attorney General to whom delegated has been designated by the Attorney General to act for, and to exercise the general powers of, the Attorney General.

''(B) Except to the extent otherwise provided by the Secretary of Defense, the Deputy Secretary of Defense may exercise the authority of the Secretary of Defense under this subsection. The Secretary of Defense may delegate the Secretary's authority under this subsection only to an Under Secretary of Defense or an Assistant Secretary of Defense and only if the Under Secretary or Assistant Secretary to whom delegated has been designated by the Secretary to act for, and to exercise the general powers of, the Secretary.

''(7) Nothing in this section shall be construed to limit the authority of the executive branch in the use of military personnel or equipment for civilian law enforcement purposes beyond that provided by law before the date of enactment of [this Act].''.

''(b) CHEMICAL WEAPONS OF MASS DESTRUCTION.—The Chapter 113B of Title 18, United States Code, that relates to terrorism, is amended by inserting after section 2332a the following:

''§2332b. Use of chemical weapons

''(a) OFFENSE.—A person who without lawful authority uses, or attempts or conspires to use, a chemical weapon—

''(1) against a national of the United States while such national is outside of the United States;

''(2) against any person within the United States; or

''(3) against any property that is owned, leased or used by the United States or by any department or agency of the United States, whether the property is within or outside of the United States.

shall be imprisoned for any term of years or for life, and if death results, shall be punished by death or imprisoned for any term of years or for life.

''(b) DEFINITIONS.—For purposes of this section—

''(1) the term 'national of the United States' has the meaning given in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

''(2) the term 'chemical weapon' means any weapon that is designed to cause widespread death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors.

''(c)(1) MILITARY ASSISTANCE.—The Attorney General may request that the Secretary of Defense provide assistance in support of Department of Justice activities relating to the enforcement of this section in an emergency situation involving chemical weapons of mass destruction. Department of Defense resources, including personnel of the Department of Defense, may be used to provide such assistance if—

''(A) the Secretary of Defense and the Attorney General determine that an emergency situation involving chemicals weapons of mass destruction exists; and

''(B) the Secretary of Defense determines that the provision of such assistance will not adversely affect the military preparedness of the United States.

''(2) as used in this section. 'emergency situation involving chemical weapons of mass destruction' means a circumstance involving a chemical weapon of mass destruction—

''(A) that poses a serious threat to the interests of the United States; and

''(B) in which—

''(i) civilian expertise is not readily available to provide the required assistance to counter the threat posed by the chemical weapon of mass destruction involved;

''(ii) Department of Defense special capabilities and expertise are needed to counter the threat posed by the biological weapon of mass destruction involved; and

''(iii) enforcement of the law would be seriously impaired if the Department of Defense assistance were not provided.

''(3) The assistance referred to in paragraph (1) includes the operation of equipment (including equipment made available under section 372 of title 10) to monitor, contain, disable, or dispose of a chemical weapon of mass destruction or elements of the weapon.

''(4) The Attorney General and the Secretary of Defense shall jointly issue regulations concerning the types of assistance that may be provided under this subsection. Such regulations shall also describe the actions that Department of Defense personnel may take in circumstances incident to the provision of assistance under this subsection. Such regulations shall not authorize arrest or any direct participation in conducting searches and seizures that seek evidence related to violations of this section, except for the immediate protection of human life, unless participation in such activity is otherwise authorized under paragraph (3) or other applicable law.

''(5) The Secretary of Defense shall require reimbursement as a condition for providing assistance under this subsection in accordance with section 377 of title 10.

''(6)(A) Except to the extent otherwise provided by the Attorney General, the Deputy Attorney General may exercise the authority of the Attorney General under this subsection. The Attorney General may delegate the Attorney General's authority under this subsection only to the Associate Attorney General or an Assistant Attorney General and only if the Associate Attorney General or Assistant Attorney General to whom delegated has been designated by the Attorney General to act for, and to exercise the general powers of, the Attorney General.

''(B) Except to the extent otherwise provided by the Secretary of Defense, the Deputy Secretary of Defense may exercise the authority of the Secretary of Defense under this subsection. The Secretary of Defense may delegate the Secretary's authority under this subsection only to an Under Secretary of Defense or an Assistant Secretary of Defense and only if the Under Secretary or Assistant Secretary to whom delegated has been designated by the Secretary to act for, and to exercise the general powers of, the Secretary.

''(7) Nothing in this section shall be construed to limit the authority of the executive branch in the use of military personnel or equipment for civilian law enforcement purposes beyond that provided by law before the date of enactment of [the Act].''.

(c)(1) CIVILIAN EXPERTISE.—The President shall take reasonable measures to reduce civilian law enforcement officials' reliance on Department of Defense resources to counter the threat posed by the use or potential use of biological and chemical weapons of mass destruction within the United States, including—

(A) increasing civilian law enforcement expertise to counter such threat;

(B) improving coordination between civilian law enforcement officials and other civilian sources of expertise, both within and outside the Federal Government, to counter such threat.

(2) REPORT REQUIREMENT.—The President Shall Submit to the Congress—

(A) ninety days after the date of enactment of this Act, a report describing the respective policy functions and operational roles of Federal agencies in countering the threat posed by the use or potential use of biological and chemical weapons of mass destruction within the United States.

(B) one year after the date of enactment of this Act, a report describing the actions planned to be taken and the attendant cost pertaining to paragraph (1); and

(C) three years after the date of enactment of this Act, a report updating the information provided in the reports submitted pursuant to subparagraphs (A) and (B), including measures taken pursuant to paragraph (1).

(D) CLERICAL AMENDMENT.—The chapter analysis for chapter 113B of title 18, United States Code, is amended by inserting after the item relating to section 2332a the following:

''2332b. Use of chemical weapons.''.

(e) USE OF WEAPONS OF MASS DESTRUCTION.—Section 2332a(a) of title 18, United States Code, is amended by inserting ''without lawful authority'' after ''A person who''.

Mr. GRASSLEY. Mr. President, I rise in strong support of the antiterrorism bill. In my view, this bill strikes a reasonable balance between the needs of the law enforcement and national security communities and the constitutional rights of the American people. I applaud the efforts of Senator HATCH and other conferees in crafting this important and much-needed piece of legislation.

Perhaps one of the more important provisions of this bill relates to restitution to victims of crime in Federal courts. I am proud to say that key provisions of S. 1404, the Victim Restitution Enhancement Act of 1995, which I introduced on November 8, 1995, with Senator KYL, have been incorporated into the conference report. This bill, I believe, provides victims of crime with a valuable and important way of vindicating their rights and obtaining restitution. S. 1404 provides that court orders requiring restitution will act as a lien which the victims themselves can enforce. I think this lets victims help themselves and ensures that crime victims will receive the restitution they are entitled to.

To understand why giving victims of Federal crimes the ability to seek restitution from their victimizers is a positive development, you need to understand the nature of most of the Federal crimes which give rise to restitution liability. Federal Crimes, by and large, are not crimes of violence like State crimes are. Once you exclude Federal drug prosecutions—which do not give rise to restitution liability as that term is generally understood—many Federal prosecutions are for fraud and other so-called white crimes. With fraud and white collar crimes, the victims may have substantial resources. These persons may wish to obtain restitution themselves, rather than relying on overworked prosecutors to do that job. That's what the lien does, its gives victims a powerful tool use to get restitution.

With respect to terrorism, and the Oklahoma City bombing, this means that the families of the bombing victims can seek restitution. So if the bombers come into money from any source, the victims' families can receive restitution. This is very positive development.

How does the current bill, like S. 1404, do this? Section 206(m) of the conference report establishes a lien in favor of crime victims, very similar to the lien procedure contained in S. 1404. I believe that this section will prove to be of enormous value.

Also, the conference report, section 206(n), drew on provisions in S. 1404, which provided that should prisoners who have been ordered to pay restitution file a prisoner lawsuit and receive a windfall, that windfall will go to the victims and not to the prisoner. This should take some of the lure out of prisoner lawsuits. Importantly, the conference report we are debating today also provides that windfalls received by prisoners from all sources, including lawsuits, will go to pay victims.

This conference report, in section 206(d)(3), like S. 1404, requires criminals to list all their assets under oath. This way, if criminals who owe victims try to hide their assets, they can be prosecuted for perjury. This too should help make sure that victims receive more of what they are entitled to.

While the restitution provisions of this bill are an important step in the right direction, I would also like to point out that unlike S. 1404, the conference report does not establish a hard-and-fast time limit within which restitution liability must be paid off. I think that this is a serious shortcoming. Without a bright-line for the payment of restitution, well-financed criminal defense lawyers will use legal technicalities to delay payment as long as possible. The reason that no definite time limit was included is that some Members of the minority opposed a definite time limit. So, in this respect, I believe that S. 1404 is superior to the current bill.

The conference report also makes serious and much-needed reforms of habeas corpus prisoner appeals. As even a casual observer of the criminal justice system knows, criminals have abused habeas corpus to delay just punishment.

I believe that this conference report strikes exactly the right balance on habeas corpus reform. It provides enough in the way of habeas appeals to ensure that unjustly convicted people will have a fair and full opportunity to bring forth new evidence or contest their incarceration in numerous ways. But the conference report sets meaningful limits, which should go a long way toward eliminating many of the flagrant abuses that make a mockery of justice.

If we do not pass this bill, with this habeas corpus reform package, we can pretend that we are for the death penalty. But, in reality, the death penalty will be virtually meaningless and

toothless. The families of the bombing victims in Oklahoma City know this, and they support this bill.

Let us not get ourselves in the position of making mere symbolic gestures, which do not really help the American people and which do not really restore faith in the justice system. I agree with President Clinton: Punishment should be swift and sure. Just punishment must be meted out in an appropriate amount of time.

I strongly support these reforms, and again applaud the conferees for bringing this bill to the floor. Mr. President, I yield the floor.

Ms. SNOWE. Mr. President, I rise in strong support of the conference report on S. 735, the Comprehensive Terrorism Prevention Act. I would like to congratulate Chairman HATCH, Senator BIDEN, and the other Senate conferees on both sides of the aisle for their diligent work in conference with the other body. This bill left the Senate June 7, 1995, having passed by an overwhelming bipartisan vote of 91 to 8. Then the bill went over to the House, where it languished for 9 months. When it finally came up in the House for a vote on March 13, the most important anti-terrorism provisions were stripped from the bill.

When this occurred, many of us who strongly supported the Senate bill were dismayed and wondered whether it would even be possible for a conference committee to fashion a final bill that would garner the strong bipartisan support that the original Senate bill enjoyed. To emphasize the importance of this bipartisan support, I joined with Senator LIEBERMAN on March 29, in sending a letter to all five Senate conferees urging that they work to defend in conference key Senate provisions dealing with international terrorism. These included authority to exclude from the United States members of terrorist groups and authority to prohibit terrorist fundraising within the United States, both of which were indeed retained in this final conference report.

Mr. President, I am pleased to support this conference report, and I heartily congratulate our conferees for preserving these provisions. In fact, they went even further, and have given us a strong, positive antiterrorism bill that deserves our wholehearted support.

This legislation contains a broad range of needed changes in the law that will enhance our country's ability to combat terrorism, both at home and from abroad. The managers of this bill have described its provisions in some detail, so I will not repeat their comments. Briefly, however, this bill would increase penalties: For conspiracies involving explosives, for terrorist conspiracies, for terrorist crimes, for transferring explosives, for using explosives, and for other crimes related to terrorist acts.

The bill also includes provisions to combat international terrorism, to remove from the United States aliens found to be engaging in or supporting terrorist acts, to control fundraising by foreign terrorist organizations, and procedural changes to strengthen our counterterrorism laws.

This legislation will enhance the ability of our law enforcement agencies to bring terrorists to justice, in a manner mindful of our cherished civil liberties. This bill will enact practical measures to impede the efforts of those violent rejectionists who have launched an unprecedented campaign of terror intended to crush the prospects for peace for the Israeli and Palestinian people. Most important is the provision in this bill that will cut off the ability of terrorist groups such as Hamas to raise huge sums in the United States for supposedly ''humanitarian'' purposes, where in reality a large part of those funds go toward conducting terrorist activities. These accomplishments are real, and this legislation deserves our support.

Mr. President, I would like to concentrate the remainder of my comments on two provisions of mine that were retained in this conference report. These two provisions are the Terrorist Exclusion Act and the Law Enforcement and Intelligence Sources Protection Act, both of which I introduced separately last year.

Traditionally, Americans have thought of terrorism as primarily a European, Middle Eastern, or Latin American problem. While Americans abroad and U.S. diplomatic facilities have been targets in the past, Americans have often considered the United States itself largely immune to acts of terrorism. Two events have changed this sense of safety. The first was the internationally-sponsored terrorist attack of February 26, 1993 against the New York World Trade Center, and the second was the domestic terrorist attack just a year ago on April 19 in Oklahoma City.

I first introduced the Terrorist Exclusion Act in the House three years ago, and last year I reintroduced the legislation in the Senate with Senator BROWN as my original cosponsor. The Terrorist Exclusion Act will close a dangerous loophole in our visa laws which was created by the Immigration Reform Act of 1990. With its rewrite of the McCarran-Walters Act, Congress eliminated then-existing authority to deny a U.S. visa to a known member of a violent terrorist organization.

The new standards required knowledge that the individual had been personally involved in a past terrorist act or was coming to the United States to conduct such an act. This provision will restore the previous standard allowing denial of a U.S. visa for membership in a terrorist group.

I discovered this dangerous weakness in our visa laws in early 1993 during my investigation of the State Department failures that allowed the radical Egyptian cleric, Sheikh Omar Abdel Rahman, to travel to, and reside in, the United States since 1990. I undertook this investigation in my role as ranking Republican of the House International Operations Subcommittee, which has jurisdiction over terrorism issues, a role I have continued in the Senate as Chair of the International Operations Subcommittee of the Foreign Relations Committee.

Sheikh Rahman is the spiritual leader of Egypt's terrorist organization, The Islamic Group. His followers were convicted for the 1993 bombing of the World Trade Center in New York. The Sheikh himself received a life sentence for his own role in approving a planned second wave of terrorist acts in the New York City area.

The case of Sheikh Abdel Rahman is significant because he was clearly excludable from the United States under the pre-1990 law, but the legal authority to exclude him ended with enactment of the Immigration Reform Act that year. He was admitted to this country through an amazing series of bureaucratic blunders.

Then in 1990, as the U.S. government was building its deportation case against him, the law changed. As a result, the State Department was forced to try to deport him on the grounds that he once bounced a check in Egypt and had more than one wife, rather than the fact that he was the known spiritual leader of a violent terrorist organization.

A high-ranking State Department official informed my staff during my investigation that if Sheikh Abdel Rahman had tried to enter after the 1990 law went into affect, they would have had no legal authority to exclude him from the United States because they had no proof that he had ever personally committed a terrorist act, despite the fact that his followers were known to have been involved in the assassination of Anwar Sadat.

It is urgent that we pass this provision. Every day in this country American lives are put at risk out of deference to some imagined first amendment rights of foreign terrorists. This is an extreme misinterpretation of our cherished Bill of Rights, which the founders of our nation intended to protect the liberties of all Americans.

In my reading of the U.S. Constitution, I see much about the protection of the safety and welfare of Americans, but nothing about protecting the rights of foreign terrorists to travel freely to the United States whenever they choose.

The second of my bills contained in S. 735 is the Law Enforcement and Intelligence Sources Protection Act. This legislation would significantly increase the ability of law enforcement and intelligence agencies to share information with the State Department for the purpose of denying visas to known terrorists, drug traffickers, and others involved in international criminal activities.

This provision would permit a U.S. visa to be denied for law enforcement purposes without a detailed written explanation, which current law requires.

These denials could be made citing U.S. law generically, without further clarification or amplification. Individuals who are denied visas due to the suspicion that they are intending to immigrate to the U.S. would still have to be informed that this is the basis, and they would then be allowed to compile additional information that may change that determination.

Under a provision of the Immigration and Nationality Act, a precise written justification, citing the specific provision of law, is required for every alien denied a U.S. visa. This requirement was inserted into the INA out of the belief that every non-American denied a U.S.-visa for any reason had the right to know the precise grounds under which the visa was denied, even if it was for terrorist activity, narcotics trafficking, or other illegal acts. This has impeded the willing- ness of law enforcement and intelligence agencies to share with the State Department the names of excludable aliens.

These agencies are logically concerned about revealing sources or compromising an investigation by submitting the names of people known to be terrorists or criminals—but who do not know that they are under investigation by U.S. officials—if that information is then revealed to a visa applicant, as current law requires. This is information the United States should be able to protect until a case is completed and, hopefully, law enforcement action is taken. But for the protection of the American people we should also make this information available to the Department of State to keep these individuals out of our country.

Mr. President, I again congratulate Chairman HATCH, and all of the other Senate conferees on this bill for their achievements in negotiations with the House. Obviously, there were some Senate provisions that had strong bipartisan support in this body that I regret could not be sustained in conference. But I urge my colleagues to concentrate on the very substantial and important achievements of this conference report, and I urge broad bipartisan support for its adoption.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. CHAFEE. I wonder if the Senator might yield for a question before the quorum call.

The PRESIDING OFFICER. Will the Senator withhold his quorum call?

Mr. HATCH. Yes. I am happy to.

Mr. CHAFEE. I am a little confused why we do not vote on this motion right now. Everybody is familiar with the issue.

Mr. HATCH. I think we are but the majority leader asked me to put the quorum call.

Mr. CHAFEE. Could I safely say that, if things go right, we are going to vote in a very few minutes?

Mr. HATCH. I hope so. I think so.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The Senator from Utah.

Mr. HATCH. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the motion to recommit, by the Senator from Delaware.

Mr. HATCH. Mr. President, I move to table the motion and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The absence of a quorum has been noted. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. HATCH. Mr. President, I ask unanimous consent that during the consideration of the conference report to accompany the terrorist bill, the time on the conference report be limited to 20 minutes equally divided in the usual form, and all motions to recommit be limited to the following time restraints; that they be relevant in subject matter of the conference report or Senate- or House-passed bills and that they not be subject to amendments: 30 minutes equally divided in the usual form on each motion.

I further ask unanimous consent that following the disposition of all motions to recommit, if defeated or tabled, the Senate proceed to vote on adoption of the conference report, all without any intervening action or debate.

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

The question is on agreeing to the motion to lay on the table the Biden motion to recommit.

The yeas and nays have been ordered. The clerk will call the roll.

Mr. LOTT. I announce that the Senator from Oregon [Mr. HATFIELD] and the Senator from Florida [Mr. MACK] are necessarily absent.

I further announce that the Senator from Alaska [Mr. MURKOWSKI], is absent due to death in the family.

I further announce that, if present and voting, the Senator from Alaska, [Mr. MURKOWSKI] would vote ''yea.''

Mr. FORD. I announce that the Senator from Washington [Mrs. MURRAY] is necessarily absent.

The result was announced—yeas 50, nays 46, as follows:

The result was announced—yeas 50, nays 46, as follows:

[Rollcall Vote No. 62 Leg.]

YEAS—50

Abraham	Faircloth	Lugar
Ashcroft	Feingold	McCain
Bennett	Frist	McConnell
Bond	Gorton	Nickles
Brown	Gramm	Pressler
Burns	Grams	Roth
Campbell	Grassley	Santorum
Chafee	Gregg	Shelby
Coats	Hatch	Simpson
Cochran	Helms	Smith
Cohen	Hutchison	Snowe
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
D'Amato	Kassebaum	Thompson
DeWine	Kempthorne	Thurmond
Dole	Kyl	Warner
Domenici	Lott	

NAYS—46

Akaka	Ford	Mikulski
Baucus	Glenn	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Harkin	Nunn
Boxer	Heflin	Pell
Bradley	Hollings	Pryor
Breaux	Inouye	Reid
Bryan	Johnston	Robb
Bumpers	Kennedy	Rockefeller
Byrd	Kerrey	Sarbanes
Conrad	Kerry	Simon
Daschle	Kohl	Specter
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Exon	Levin	
Feinstein	Lieberman	

NOT VOTING—4

Hatfield	Murkowski
Mack	Murray

So the motion to lay on the table the motion to recommit was agreed to.

Mr. HATCH. 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.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask that there now be a period for the transaction of routine morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is ordered.

NORDY HOFFMAN: A TRIBUTE

Mr. HOLLINGS. Mr. President, I would like to pay my respects to a dear friend, F. Nordhoff Hoffman, who died on Friday, April 5, 1996. Nordy Hoffman was a truly good man. He was a big man with a big faith—faith in his church, faith in his beloved alma mater Notre Dame, faith in his wonderful family and, perhaps most importantly, faith in his fellow men and women.

In the early 1970's, I had the honor of serving as chairman of the Democratic Senatorial Campaign Committee while Nordy was the executive director. He was excellent in that capacity, as he was in all of the endeavors he undertook.

As Senate Sergeant-at-Arms, Nordy showed his talents to their fullest. He

drew upon his experience with the steelworkers Union, his military background and his political acumen to provide a rare style of leadership. Not only was he an excellent organizer with an aptitude for strategy, he related well to his co-workers and especially to his employees.

Following his Senate service, Nordy founded and maintained a political consulting firm, F. Nordy Hoffman and Associates.

Nordy was a man who demonstrated his commitment to organizations and issues that he cared about. He was an involved member of the Notre Dame University community in several capacities. In his undergraduate years, he was an All-American guard with the championship football team, coached by Knute Rockne--Nordy was later inducted into the College Football Hall of Fame in 1978.

Nordy's deep love of Notre Dame continued through the years. He served as president of the Alumni Association and as a member of the Board. Several years ago, the F. Nordy Hoffman scholarship was established. The funds are used to aid young men and women who suffer financial reversals during their time at Notre Dame.

Nordy also was an active member of the board of directors of the Stone Ridge School in Bethesda, the board of regents of the Center for Congressional and Governmental Relations at Catholic University, and the board of directors of the credit union here in the U.S. Senate. In addition, he gave unstinting support to numerous local charities.

Nordy spent his life in service to his fellow Americans. Those of us who were privileged to have known and worked with him saw this day after day. He truly made a difference and there can be no higher tribute.

Peatsy and I and the staff join in heartfelt condolences to Nordy's wife Joanne and his entire family.

TRIBUTE TO RONALD BROWN

Mr. FEINGOLD. Mr. President, I rise today to pay tribute to Ron Brown.

Ron Brown had a remarkable career, marked by his exceptional ability to unify people from diverse backgrounds. As chairman of the Democratic National Committee, he used this talent to bring the party's factions together. Democrats and Republicans alike spoke with admiration of his aptitude as a party leader. Ron Brown's work to bridge differences helped revitalize the Democratic party and played an essential role in building the support that led to President Clinton's election.

As Commerce Secretary, Ron Brown also unified individuals from different walks of life to work for American business. His aggressive efforts traveling the world promoting American goods won him uncommon praise from business leaders. It was his enthusiastic devotion to this mission of championing trade and economic development that took him to Bosnia earlier this month not only to try to build American business, but also to aid in the reconstruction of Bosnia. He made the ultimate sacrifice for these goals, giving his life in service to his country.

Ron Brown's career also leaves us with an example of racial leadership, having been the first African-American to chair the Democratic Party and the first African-American Secretary of Commerce. His guidance was apparent in the way he closed divisions within the Democratic Party and in the way he brought together diverse individuals at the Commerce Department. Ron Brown provided a real life role model for aspiring young Americans as someone who rose to the highest levels of government, and who was admired and respected by those who knew him and knew of his contributions to the well-being of his nation.

The loss of Ron Brown is tragic to America. His leadership will be sorely missed. My deepest condolences go to the Brown family and the families of all the other Americans who lost their lives in this terrible tragedy.

TRIBUTE TO WAYNE A. STEEN, SR.

Mr. BIDEN. Mr. President, today, I would like to offer a tribute to one of the outstanding citizens of my State, one of those citizens who truly represents the best not only of Delaware but of America—the best of our heritage and our hope, the best of our national spirit of community.

It will surprise no one to learn that the citizen I'm describing is a volunteer firefighter.

Wayne A. Steen, Sr., joined the Mill Creek Fire Co. on October 2, 1967, as a member of its youth division, Explorer Post 921. In the course of his 4 years of membership, Wayne served as both president and chief of the post.

On September 22, 1971, just a few days passed his 18th birthday, Wayne Steen became a full member of the Mill Creek Fire Co. For 20-plus years after, he served the company in virtually every office and on virtually every committee, putting in more than a thousand hours and responding to about 600 fire and ambulance runs—those are not career totals; that's 1,000 hours and 600 runs per year—and earning three citations for heroism and leadership.

In addition, Wayne Steen has served as a director of both the New Castle County and the Delaware State Fire Chiefs Associations, and he was long an active member of the Delaware Valley regional association and the International Society of Fire Service Instructors.

Wayne Steen's fire service career represents literally the best of the best—exceptional leadership in a group of exceptional leaders, exceptional citizenship and commitment in a group defined by active concern for neighbors and community, and by selfless dedication to protect and promote the public safety.

Because of Wayne's extraordinary community leadership and service, June 12, 1995, marked a great public as well as personal tragedy.

At this point, this tribute becomes a little difficult for me. First, Wayne Steen is someone I've known and worked with for many years, someone I'm proud to call a friend. And second, Wayne fell victim to a medical condition that I was lucky to survive without any long-term disability. Wayne was not as lucky, and it is hard to reconcile my good fortune with the challenge he and his family continue to face every day.

On that date last June, Wayne was in command of a group of firefighters at the scene of a fatal traffic accident. While on duty, he fell victim to the sudden strike of a brain aneurysm, which left him in a coma. When I went to see Wayne in the hospital, there seemed to be little doubt that his condition would do anything but worsen. He was 41 years old.

With medical care, the support of his family and friends, and, I have absolutely no doubt, by some force of his own will that no mere physical condition could defeat, Wayne's condition was stabilized, and he was able to leave that hospital room where I saw him last summer. But still the struggle had just begun, and it will be a lifelong battle for Wayne and for the family and friends who fight by his side.

It is tempting to describe Wayne Steen as a fallen hero, but I do not think it would be right to do so.

Certainly, he is a hero, and had earned the right to be thought of as such long before last June. His fire service career was, in fact, as good a living definition of citizen-heroism as we are likely to find, and we should—and must—honor such service always.

But Wayne Steen is not fallen, because he has stood too tall, and he has elevated us all too much. Wayne Steen devoted much of his spirit—as well as his time and his talents—to serving a great and essential ideal, and if some part of his spirit has left this life, I have no doubt that it has risen to a higher one. Wayne is not fallen because he serves us still, as long as his example of citizenship continues to call to the best in all of us.

We honor leaders like Wayne Steen best not with our words but when we continue their work, when we learn that they have given so much because their purpose is so important to us all.

And we honor them best when we recognize and fulfill our obligation to those who put themselves at risk to protect our families, our homes, and our communities—our obligation to support them in their service and, when tragedy strikes, in their need. We must be there for people like Wayne, who have always been there for us.

Wayne's family—especially his wife, Terry, and their children, Phillip, Wayne, and Heather—have been there for him in the way we would all hope to support a loved one through such a traumatic ordeal. Their courage, dedication, and strength continue an inspiring family tradition.

The members of the Mill Creek Fire Co., as well as the broader fire service community, have also kept their faith with Wayne and with the Steen family, another great tradition—members of the fire service always keep the faith.

There is no escaping that what happened to Wayne Steen is a tragedy, the kind that cannot be explained, and I do not want to minimize in any way the depth of the loss or the difficulty of the struggle. Our tears are more than justified.

Yet still, through our sadness and in asking Americans to offer prayers and good wishes in support of Wayne and his family, I would also ask that we not forget the immeasurable triumphs of Wayne Steen's life and spirit. Let us not forget the lessons he has taught us by his citizenship, let us not forget the purpose to which he sacrificed so much.

Let us not forget the bond and obligation we share as fellow citizens—let's take care of each other more often, let's work together better. Let's remember how lucky we are.

That's what Wayne Steen would want, and we owe it to him.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, a lot of folks don't have the slightest idea about the enormity of the Federal debt. Occasionally, I ask friends, how many millions of dollars are there in a trillion? They think about it, voice some estimates, most of them wrong.

One thing they do know is that it was the U.S. Congress that ran up the enormous Federal debt that is now over $5 trillion.

To be exact, as of the close of business Monday, April 15, the total Federal debt—down to the penny—stood at $5,140,011,407,773.15. That's $5 trillion, 140 billion plus. Another sad statistic is that on a per capita basis, every man, woman and child in America owes $19,422.38.

So Mr. President, how many million are there in a trillion? There are a million-million in a trillion, which means that the Federal Government owes more than $5 million-million.

Sort of boggles the mind, doesn't it?

THE TYRANT OF TRIPOLI

Mr. MOYNIHAN. Mr. President, on December 21, 1995, I rose on the Senate floor to note the seventh anniversary of the bombing of Pan Am flight 103 over Lockerbie, Scotland—an outrageous act of international terrorism which claimed the lives of 270 innocent people. Seven long years have passed, but still the victims' families have no solace that the alleged masterminds of this evil act will ever be brought to justice because the Libyan Government refuses to extradite them.

Yesterday, in an interview with Gayle Young of the Cable News Network, Libyan dictator Muhammar Qadafi attempted to justify his position: ''We are ready [for] these suspects * * * to go there for a trial. But the Governments of America and the British, [sic] they don't want to solve this problem * * *. They have no proof [so] they avoid the trial.'' Three assertions. Three untruths. Three additions to the endless stream of lies and falsehoods issuing from the tyrant of Tripoli.

A state which harbors outlaws must, of necessity, remain an outlaw state. The United States and the community of civilized nations must keep steadfast to our commitment to the rule of law and our demand for justice for the victims of Pan Am 103 and their families.

I thank the Chair and I yield the floor.

NDSU WOMEN TRIUMPH FOR FOURTH STRAIGHT YEAR

Mr. DORGAN. Mr. President, I want to pay special tribute today to the 1996 National Collegiate Athletic Association's Division II women's national basketball champions, the North Dakota State University Bison.

The Bison women's accomplishments are truly remarkable for any level of play. This year's title marks their fourth straight national basketball championship and their fifth title in the last 6 years.

Many thought they could not improve upon last year's season, when the Bison finished their season undefeated. While they didn't quite reach that goal, they had 2 losses this year, they did break their own record from last year for most points scored in the championship game. This year, they scored 104 points against Shippensburg, PA, in the title game. They also extended their homecourt winning streak to 43 games.

Their outstanding team accomplishments throughout the year were aided by some notable individual accomplishments. I want to especially congratulate the team's two seniors, Lori Roufs and Jenni Rademacher, for their achievements throughout their careers at NDSU. Not too many college athletes close out their collegiate careers with not one, not two, not three, but four national championship rings. That they added the fourth is due in no small part to their leadership this year.

Lori and Jenni each scored 1,000 points during their years at NDSU. And they earned the additional honor of being named to the 1996 Elite 8 All-Tournament team.

I also cannot overlook the individual accomplishments of junior Kasey Morlock, who was named Most Outstanding Player of the tournament for the second year in a row.

But a basketball team needs hard work and contributions from all of its players if it is to reach its league's pinnacle. The Bison certainly got that from juniors Rhonda Birch and Andrea Kelly, sophomores Rachael Otto and Amy Ornell, and freshmen Tanya Fischer, Molly Reif, Brenna Stefonowicz, Theresa Lang, Heidi SMITH, and Heather Seim.

Finally, I want to honor the coaches who have turned the Bison into the dominant force in division II women's basketball. It's no coincidence that Head Coach Amy Ruley has won her fifth national championship, and I know her players have the highest respect for her as a coach and as a person. Coach Ruley is assisted on the bench by Kelli Layman, Jill DeVries, and Lynette Mund.

As with last year, all but the two seniors will be returning for next year's season, so the Bison and all of us in North Dakota can look forward to another excellent season. But for now, it is more than enough to bask in the glow of winning yet another national championship. Congratulations to a wonderful team.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, 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

At 10:20 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following resolution, without amendment:

S. Con. Res. 51. Concurrent resolution to provide for the approval of final regulations that are applicable to employing offices that are not employing offices of the House of Representatives or the Senate, and to covered employees who are not employees of the House of Representatives or the Senate, and that were issued by the Office of Compliance on January 22, 1996, and for other purposes.

The message also announced that pursuant to the provisions of Public Law 86–380, the Speaker appoints the following Member on the part of the House to the Advisory Commission on Intergovernmental Relations: Mr. PAYNE of New Jersey.

At 4:52 p.m. a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the resolution (H. Res. 402) returning to the Senate the bill (S. 1463) to amend the Trade Act of 1974 to clarify the definitions of domestic industry and like articles in certain investigations involving perishable agricultural products, and for other purposes, in the opinion of this House, contravenes the first clause of the seventh section of the

first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned with a message communicating this resolution.

MEASURE PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

H.R. 3103. An act to amend the Internal Revenue Code of 1986 to improve portability and continuity of health insurance coverage in the group and individual markets, to combat waste, fraud, and abuse in health insurance and health care delivery, to promote the use of medical savings accounts, to improve access to long-term care services and coverage, to simplify the administration of health insurance, and for other purposes.

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–2205. A communication from the Chairman and the Finance Committee Chairman, transmitting jointly, the revised budget request and supplemental appropriation request for fiscal year 1996; to the Committee on Appropriations.

EC–2206. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, the Selected Acquisition Reports for the period October 1 through December 31, 1995; to the Committee on Armed Services.

EC–2207. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report under the Chemical and Biological Weapons Control and Warfare Elimination Act for the period February 1, 1995 through January 31, 1996; to the Committee on Foreign Relations.

EC–2208. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report on finance charges under the Truth in Lending Act; to the Committee on Banking, Housing, and Urban Affairs.

EC–2209. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the annual report for calendar year 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–2210. A communication from the Chairman of the Federal Financial Institutions Examination Council, transmitting, pursuant to law, the annual report for calendar year 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–2211. A communication from the Director of the Office of Management and Budget, the Executive Office of the President, transmitting, pursuant to law, the report on appropriations legislation within five days of enactment; to the Committee on the Budget.

EC–2212. A communication from the Director of the Office of Management and Budget, the Executive Office of the President, transmitting, pursuant to law, the report on appropriations legislation within five days of enactment; to the Committee on the Budget.

EC–2213. A communication from the Director of the Office of Management and Budget, the Executive Office of the President, transmitting, pursuant to law, the report on appropriations legislation within five days of enactment; to the Committee on the Budget.

EC–2214. A communication from the Director of the Office of Management and Budget, the Executive Office of the President, transmitting, pursuant to law, the report on appropriations legislation within five days of enactment; to the Committee on the Budget.

EC–2215. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–2216. A communication from the Commissioner of Reclamation, Department of the Interior, transmitting, a report of an overrun of projected cost for Ochoco Dam, Crooked River Project, Oregon; to the Committee on Energy and Natural Resources.

EC–2217. A communication from the Chairman of the International Trade Commission, transmitting, a draft of proposed legislation to provide authorization of appropriations for the United States International Trade Commission for fiscal year 1997; to the Committee on Finance.

EC–2218. A communication from the Chairman of the Physician Payment Review Commission, transmitting, pursuant to law, the annual report for calendar year 1996; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

H.R. 1743. A bill to amend the Water Resources Research Act of 1984 to extend the authorizations of appropriations through fiscal year 2000, and for other purposes (Rept. No. 104–252).

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

H.R. 2243. A bill to amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for three years the availability of moneys for the restoration of fish and wildlife in the Trinity River, and for other purposes (Rept. No. 104–253).

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. THURMOND (for himself and Mr. NUNN) (by request):

S. 1672. A bill to make various changes to laws affecting the management and operations of the Department of Defense, and for other purposes; to the Committee on Armed Services.

S. 1673. A bill to authorize appropriations for Fiscal Year 1997 for military activities of the Department of Defense, to prescribe military personnel strengths for Fiscal Year 1997, to authorize certain construction at military installations for Fiscal Year 1997, and for other purposes; to the Committee on Armed Services.

By Mr. GRASSLEY (for himself, Mr. PRESSLER, and Mr. BAUCUS):

S. 1674. A bill to amend the Internal Revenue Code of 1986 to expand the applicability of the first-time farmer exception; to the Committee on Finance.

By Mr. GRAMM (for himself, Mr. BIDEN, Mrs. HUTCHISON, and Mr. FAIRCLOTH):

S. 1675. A bill to provide for the nationwide tracking of convicted sexual predators, and for other purposes; to the Committee on the Judiciary.

By Mr. FAIRCLOTH (for himself and Mr. HELMS):

S. 1676. A bill to permit the current refunding of certain tax-exempt bonds; to the Committee on Finance.

By Mrs. BOXER:

S. 1677. A bill to amend the Immigration and Nationality Act to establish the United States Citizenship Promotion Agency within the Immigration and Naturalization Service, and for other purposes; to the Committee on the Judiciary.

By Mr. GRAMS (for himself, Mr. FAIRCLOTH, Mr. ABRAHAM, and Mr. STEVENS):

S. 1678. A bill to abolish the Department of Energy, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. ROBB:

S. Res. 243. A resolution to designate the week of May 5, 1996, as ''National Correctional Officers and Employees Week''; to the Committee on the Judiciary.

By Mr. FORD (for himself and Mr. MCCONNELL):

S. Res. 244. A resolution to commend and congratulate the University of Kentucky on its men's basketball team winning its sixth National Collegiate Athletic Association championship; considered and agreed to.

By Mr. LOTT (for Mr. DOLE):

S. Res. 245. A resolution making majority party appointments to the Labor and Human Resources Committee; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND (for himself and Mr. NUNN) (by request):

S. 1672. A bill to make various changes to laws affecting the management and operations of the Department of Defense, and for other purposes; to the Committee on Armed Services.

DEPARTMENT OF DEFENSE LEGISLATION

Mr. THURMOND. Mr. President, by request, for myself and the senior Senator from Georgia [Mr. NUNN], I introduce, for appropriate reference, a bill to make various changes to laws affecting the management and operations of the Department of Defense, and for other purposes.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and a section-by-section analysis explaining its purpose be printed in the RECORD.

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

GENERAL COUNSEL OF
THE DEPARTMENT OF DEFENSE,
Washington, DC, April 15, 1996.

Hon. ALBERT GORE, Jr.,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: The Department of Defense proposes the enclosed legislation, ''To make various changes to laws affecting the management and operations of the Department of Defense, and for other purposes.'' This proposal is part of the Department of Defense legislative program for the 104th Congress.

The proposal would make changes in authorities relating to use of Warsaw Initiative funds for the Regional Airspace Initiative and the Partnership for Peace information management system, limitations of grades of officers on active duty in the military, the use of certain Reservists in Presidential callups, the use of appropriated funds to influence certain Federal contracting and financial transactions, and refinements to third party collection and CHAMPUS double coverage programs. It would address the tax treatment of transfers of Department of Defense owned utility systems. It also would authorize an increase in the penalties for certain traffic offenses on Federal property. It would streamline and simplify child support and alimony garnishment processing. The bill has a provision that would authorize an aviation and vessel war risk insurance program and an extension authority for the Weapons of Mass Destruction Act of 1992.

The Department also requests that the Congress continue to consider for enactment the proposed legislation transmitted last year in the Administration's acquisition reform proposals that would repeal the requirement for recoupment by the Government of certain charges for products sold through the Foreign Military Sales program.

The Office of Management and Budget advises that there is no objection, from the standpoint of the Administration's program, to the submission of this proposal to the Congress.

Sincerely,

JUDITH A. MILLER.

Enclosures.

SECTIONAL ANALYSIS

Section 1. The Department of Defense lacks the legal authority to use DoD funds to provide foreign assistance to any foreign country unless such assistance is expressly authorized by law. Therefore, funds appropriated to the Department of Defense for PfP can only be used for activities which DoD can legally perform under existing law, such as to support Partner participation in exercises under the authority of 10 U.S.C. 2010. Since the RAI and PIMS do not fall within the narrow confines of exercise support, the additional authority along the lines of the section above is necessary to support the Regional Airspace Initiative and the PfP Informanagement System.

It is Department of Defense policy to assure mission support utility service at the lowest life-cycle cost. This could include the privatization of existing defense utility systems. In many instances, the Department of Defense is required to make an up-front cash contribution to the utility company for upgraded environmental compliance or additional capacity to effect the transfer of property title.

Section 2. This section would modify section 523 of title 10 to raise the grade ceilings of active duty Army, Air Force and Marine Corps majors, lieutenant colonels, and colonels, and active duty Navy lieutenant commanders, commanders, and captains relative to the total number of commissioned officers on active duty. The revision is driven largely by changes in officer requirements that have occurred since the tables were implemented in 1980. Principal among these are field grade requirements generated by the Goldwater-Nichols and Defense Acquisition Workforce Improvement Acts. Further, other DOPMA constraints on promotion timing and career opportunity have, when coupled with the force reductions since FY 1987, limited the Services' abilities to comply with overall statutory requirements for officer career management.

Section 3. This proposal will provide greater flexibility, cost effectiveness, and efficiency in promoting the acceptance of new technologies necessary to meet Department of Defense (DoD) environmental requirements. The proposal will reduce the frequency and variety of locations required to demonstrate environmental technologies in order to obtain regulatory approval. Early involvement of regulatory agencies in a substantive manner will improve efficiency and avoid repetitive data collection efforts.

Section 4. Because Haiti no longer has a military, it is not eligible under current law to purchase defense articles and defense services from the Department of Defense under the Foreign Military Sales (FMS) program. The proposed legislation is designed to make Haiti eligible for such assistance. FMS sales will facilitate U.S. assistance in developing and equipping civilian-led law enforcement and maritime institutions. Currently, Haiti is developing a maritime law enforcement entity for refugee and contraband control and would be hindered by a lack of spare parts and equipment. FMS cash sales represent the most efficient manner for the Government of Haiti to acquire the equipment needed to support these missions and would complement IMET training the U.S. Government intends to provide Haiti in maritime skills. It would extend the United States' ability to exert a positive influence over the Haitian National Police and Coast Guard.

Section 5. This section would authorize the Secretary of Defense to participate in the Foundation Geneva Centre for Security Policy, established in 1986, whose purpose is to actively promote the building and keeping of peace, security and stability in Europe and in the world. To this end, the Centre (1) conducts international training courses in security policy, (2) carries out research in security policy and stability and (3) organizes conferences and seminars concerning security issues. Unlike the Marshall Center, an institution chartered by the Secretary of Defense and operated under the direction of the Commander-in-Chief European Command, the Foundation Geneva Centre for Security Policy was established by the Federal Military Department of Switzerland. Consequently, the role of the United States will be participatory, limited to attendance by DoD personnel at conferences and seminars and the making available of an instructor as well as liaison personnel to help organize the various activities of the Centre.

Section 6. This proposal would repeal section 1352 of title 31, United States Code, entitled ''Limitation on Use of Appropriated Funds to Influence Certain Federal Contracting and Financial Transactions'' in its entirety. This section was originally established to prevent the use of appropriated funds for lobbying and requires extensive reporting and certifications by contractors and grantees of covered lobbying activities of the Executive Branch and Congress.

The provisions contained in section 1352 have been rendered duplicative by the Lobbying Disclosure Act of 1995 (Public Law 104–65). This new Act requires reporting of lobbying activities directly to Congress and additionally requires the registration of lobbyists. The primary reporting requirements of section 1352 were rescinded by section 10 of the Lobbying Disclosure Act of 1995. The sole reporting requirement which remains is of no practical use. In addition, the restriction against the use of appropriated funds in section 1352 is unnecessary insofar as sections 911 and 1534 of the National Defense Authorization Act for FY 1986 will remain in effect if section 1352 is repealed.

Retention of Section 1352 places an unreasonable dual burden on contractors and grantees and is contrary to the goals of acquisition reform and simplification. Section 1352 no longer serves a useful purpose for contracting and grants officers and represents extra unnecessary costs of compliance for both government and industry.

Section 7. This provision would adopt several refinements to the Third Party Collection Program under which military medical facilities collect from third party payers for health care services provided to beneficiaries who are also covered by the third party payers' plans, and to the related CHAMPUS Double Coverage Program, under which CHAMPUS is secondary payer to other health plans that also cover CHAMPUS beneficiaries.

For the Third Party Collection Program, the section would make three changes. First it would clarify that the rule under which receipts are credited to the appropriation supporting the facility also applies in connection with services provided through the facility, in addition to services provided ''by'' the facility. This conforms the receipts provision to the overall scope of the Third Party Collection authority. Second, it would clarify that workers' compensation programs and plans are included as third party payers under the program. These plans should not enjoy a windfall in cases in which their beneficiaries, for whom they have collected premiums, happen to receive care in military facilities. Third, it would codify a provision in the DoD Third Party Collection Program regulation (32 CFR 220.12(i)) that, similar to other no-fault automobile coverage, the program includes personal injury protection or medical payments benefits in cases involving personal injuries resulting from operation of a motor vehicle.

For the CHAMPUS Double Coverage Program, the section would integrate the scope of third party payer coverage between the Third Party Collection Program and the CHAMPUS Double Coverage Program. This will assure consistency in third party payer responsibilities relating to the Military Health Services System, regardless of whether their insured or covered beneficiaries receive care in military treatment facilities or under CHAMPUS.

These refinements are consistent with the long-standing Congressional policy of containing health care spending by assuring that third party payers, who generally have collected full premiums for coverage of insured persons who are also DoD beneficiaries, do not shift their costs on to the Federal taxpayers.

Section 8. Under section 118(b) of the Internal Revenue Code, these transfers are a contribution-in-aid of construction (CIAC), and subject to a tax based on their fair market values. By rulings of the Public Utility Commissions in the various States, this tax must be paid by the utility customer, in this case the Department of Defense, which created the tax liability and which cannot be built into the general rate base for all utility customers.

To effect the transfer of Department of Defense owned utility systems, a utility company is obligated to impose a charge on the Department of Defense equal to the CIAC tax which must be paid from Defense Appropriations for Base Operations and Maintenance.

In summary, the consideration of Department of Defense cash or real property transfers as a CIAC to a utility and subject to federal tax merely results in a ''pass-through'' from Department of Defense appropriations through the utility company to the United States Treasury with no-net-revenue-gain to the Federal Government.

The proposed exemption will conserve scarce Department of Defense Base Operation and Maintenance funds, eliminate a no-net-revenue-gain to the Federal Treasury, and reduce the administrative burden of enforcing this section of the Federal Tax Code.

The proposal would permit the Department of Defense to implement its privatization policy of divesting itself from ownership and operation of utility systems without distorting the economic analyses by unnecessary ''added costs'' to the government. The Department of Defense would get out of the utility business in its entirety when it is proven to be cost effective to do so, and concentrate its shrinking resources on its training and war fighting mission. The proposal further would prevent the government from taxing itself when transferring Department of Defense property or paying a connection fee to a utility entity by a Department of Defense installation. It would relieve local utility companies of the burden of having to account for a CIAC and re-bill the Department of Defense for taxes on CIAC. Finally, it would eliminate the need to the Department of Defense to program and budget for the payment of this tax which results in no-net revenue-gain to the Federal Treasury.

Section 9. This provision would amend the Act of June 1, 1948 (40 U.S.C. 318c) which authorizes the Federal prosecution of a person who violates a regulation to control Federal property promulgated by the Administrator of the General Services Administration. Section 4 of the Act provides for a fine of not more than $50 or imprisonment for not more than 30 days, or both. The penalties have not been revised since enactment. This section would amend such section 4 to make the penalties in title 18, United States Code, applicable to violations of regulations promulgated pursuant to the Act. For example, section 3571 of title 18 would establish the applicable fines.

Section 10. This section amends section 659(b) of title 42, United States Code, to delete the requirement for service by certified mail, to require additional information to identify the individual whose pay is subject to legal process.

The current language of section 659(b) requires the use of certified or registered mail or personal service. Personal service, as a practical matter, is rarely used. Requiring that service be made by certified or registered mail increases the likelihood the process will be rejected because many agencies often forget to send the orders by certified mail. This results in increased cost to the government, extensive rework, and further delays the implementation of a support order. The amending language expands the existing language to include facsimile or electronic transmission, mail, and personal service.

The amendment also amends section 659(b) by adding the word ''obligor'' after the word ''individual'' in the sentence to clarify the intent of the statutory language and further designate the person the process must identify, and requires the obligor's Social Security Number, whenever available, as an identifier in order to assist the Government in correctly identifying the proper person. Because of limitations in records that are accessed to process these orders, the name, address, date of birth, and place of birth are generally insufficient to identify an individual. Addresses can change virtually overnight. A Social Security Number is the one identifier that is unique and permanent. Requiring use of the Social Security Number will enhance the ability of an agency to make a correct identification of the person responsible for support payments and expedite the processing of the order.

Section 11. Section 334 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 requires that draft final remedial investigations and feasibility studies (RI/FS) be completed within 24 months (for BRAC 88 installations) or 36 months (for BRAC 91 installations) for installations on the NPL unless the Secretary of Defense grants a deadline extension The Secretary may grant such extension only after consulting with the Environmental Protection Agency (EPA) and notifying Congress.

The provision does not help speed cleanups or base closure or encourage greater involvement by EPA and is of no value to the Department. The provision directs project management resources for the periodic notification and formal consultation requirements. The formal consultation is unnecessary because Federal Facility Agreements (FFAs) between DoD and EPA contain cleanup schedules negotiated and agreed to by both parties based on base closure and cleanup goals and priorities.

The provision requires burdensome information gathering, coordination, and reporting that is of no value to the Department. Elimination of the provision would result in reduced red tape thereby expediting the cleanup and transfer of closing bases.

Budget Impact: The amendment does not impact environmental restoration budgeting requirements.

Section 12. (1) *Fort Riley:* The U.S. Environmental Protection Agency (EPA) Region VII, assessed a $65,000 penalty against Fort Riley pursuant to the March 4, 1991, Federal Facilities Agreement which governs cleanup activities at the installation. The penalty was due to the failure to submit the draft final Remedial Investigation (RI) report for the pesticide storage facility. The draft final RI was due on June 3, 1993, and was not submitted until July 19, 1993. On January 26, 1994, Ft. Riley and EPA Region VII agreed to a settlement wherein the Army would pay $34,000 as a cash penalty and $31,000 was mitigated through completion by April 9, 1994 of the following three on-site response actions (removals):

(1) excavation of pesticide and metal contaminated soils at Pesticide Storage Facility,

(2) excavation of lead contaminated soils from Colyer Manor Housing site, and

(3) placement of rock revetment along the Kansas River bank at the Southwest Funston Landfill site.

The $31,000 cleanup project at the pesticide storage facility has been completed. However, enabling legislation is required to pay the $34,000 cash penalty.

The Army has included the $34,000 as part of the FY 1997 budget request. Because it is already included in the budget request, no adverse budget impact is anticipated by use of the $34,000 to pay this penalty.

(2) *Massachusetts Military Reservation:* The Military Reservation violated the CERCLA-mandated Interagency Agreement (42 U.S.C. 9620) with EPA Region I and the Commonwealth of Massachusetts by failing to submit cleanup studies to EPA and Massachusetts according to an agreed-upon time schedule.

(3)*F.E. Warren Air Force Base:* The Air Base violated the CERCLA-mandated Interagency Agreement (42 U.S.C. 9620) with EPA Region VIII and the State of Wyoming by failing to adequately test potentially contaminated soil at a cleanup site, and by failing to properly containerize such soil.

(4) *Naval Education and Training Center Newport, Rhode Island:* The EPA Region I assessed a $260,000 penalty for non-compliance with the March, 1992 Federal Facility Agreement (FFA) for Naval Education and Training Center, Newport, Rhode Island. The penalty was for failure to submit complete draft Remedial Investigation (RI) reports for McAllister Point Landfill and Old Fire Fighting Training Area. The reports, as submitted to EPA, were incomplete, because they did not contain ecological risk assessments. The draft RI report for McAllister Point Landfill was submitted February 14, 1994 and the draft RI report for Old Fire Fighting Training Area was submitted March 31, 1994. These dates were in accordance with the FFA schedules. A draft report containing ecological risk assessments for both sites was submitted May 30, 1994. On June 26, 1995, the Navy, EPA Region I and the State of Rhode Island agreed to a settlement wherein the Navy would pay $30,000 as a cash penalty and also accomplish the following actions:

(1) arrange for a partnering session among the parties and contribute $10,000 to such an endeavor (completed August, 1995).

(2) removal of sandblast grit at the Derecktor Shipyard site at NETC; cost of the removal to be not less than $90,000 (completed September, 1995).

The Navy has included the $30,000 as part of the FY 1997 budget request. Because it is already included in the budget request, no adverse budget impact is anticipated by use of the $30,000 to pay this penalty, but enabling legislation is required.

(5) *Lake City Army Ammunition Plant:* The Army violated a CERCLA-mandated Interagency Agreement with EPA Region VII and the State of Missouri for failing to submit Area 18 and Northeast Corner Operable Unit Remedial Investigation Reports to EPA and Missouri according to an agreed-upon time schedule.

Section 13. The purpose of this legislation is to provide a means for rapid payment of claims and the rapid reimbursement of the insurance funds to protect commercial carriers assisting the Executive Branch from catastrophic losses associated with the destruction or damage to aircraft or ships while supporting the national interests of the United States. Allowing the Department of Defense to transfer any and all available funds will allow the United States, in these two vital reinsurance programs, to match standard commercial insurance practice for the timely payment required by financial arrangements common in the transportation industry today. Reporting and the requirements for supplemental appropriations, if any, ensures Congressional oversight at all stages.

Subsections (a) and (b) of the proposed legislation set forth the short title and the findings and purposes, respectively.

Subsection (c) of the proposed legislation amends section 44305 of title 49, United States Code, by adding a new subsection (c).

Subsection (c)(1) allows transfer of any funds available to the Department of Defense, regardless of the purpose of those funds. Although other authorities may exist to transfer funds, limitations as to amounts and priorities make these authorities insufficient to rapidly respond to the obligations of the Department of Defense under the current law, especially if contingencies or war-time conditions exist. Proposed language would not distinguish between types of insurance or risk, so long as the Federal Aviation Administration had issued a policy covering the risk. The language would not limit the authority to a specific fiscal year, but would be ongoing without need for reenactment periodically by Congress. Such Congressional

oversight is already in place through the reauthorization of the Aviation Insurance Program, next scheduled to take place in 1997.

Subsection (c)(2) provides specific time limits within which the Secretary of Defense must pay claims and reimburse the Federal Aviation Administration. Notification to Congress and the 30 day delay before transfer required in other statutes is waived. The most important issue for the air carriers is the replace of the hull so that they may continue operations, including supporting the requesting agency, without idling crews or having to lay off personnel due to the lack of airframes. A longer time frame is provided for other claims, such as liability to third parties, as normal claims procedures can adequately protect their interest.

Subsection (c)(3) requires reports to Congress within 30 days of loss for amounts in excess of one million dollars, with periodic updates to ensure Congress is aware of amounts being transferred and paid out under the chapter 443 program. As supplemental appropriations may be necessary, Congress will have sufficient information on which to base a decision regarding the supplemental appropriations.

Subsection (d) of the proposed legislation amends section 1205 of the Merchant Marine Act, 1936, (46 App. U.S.C. §1285) by adding a new subsection (c).

Subsection (c)(1) authorizes the Secretary of Defense to transfer funds available to the Department to pay claims by contractors, for the damage or loss of vessels and death or injury to personnel, insured pursuant to Title XII of the Merchant Marine Act, 1936, or loss or damage associated therewith. Proposed language would not distinguish between types of insurance or risk, so long as the Maritime Administration had issued a policy covering the risk. The language would not limit the authority to a specific fiscal year, but would be ongoing without need for reenactment periodically by Congress. Such Congressional oversight is already in place through the reauthorization of the Vessel War Risk Insurance Program, next scheduled to take place before the 30 June 1995 expiration (46 App. U.S.C. §1294).

Subsection (c)(2) provides specific time limits within which the Secretary of Defense must reimburse the Secretary of Transportation.

Subsection (c)(3) requires reports to Congress on a periodic basis for claims paid in amounts in excess of one million dollars to ensure Congress is aware of amounts being transferred and paid out under the Title XII program. As supplemental appropriations may be necessary, Congress will have sufficient information on which to base a decision regarding the supplemental appropriations.

The addition of subsection (c) to section 44305 of title 49, United States Code, and subsection (c) to section 1205 of the Merchant Marine Act, 1936, (46 App. U.S.C. §1285) would allow the Department of defense to rapidly pay claims resulting from damages or injuries caused by risks covered by the respective programs as a consequence of providing transportation to the United States when commercial insurance companies refuse to cover such risks on reasonable terms and conditions. The requirement to reimburse the Federal Aviation Administration or the Maritime Administration already exists; however, the only method for payment currently available may involve requesting supplemental appropriations from Congress. Such a process historically has taken six months or longer. Many air carriers have indicated their financial obligations may not allow them to continue to support the United States if rapid payment for losses cannot be made. Commercial aircraft insurance policies and practice require payment in less than 30 days when cause is not in issue, usually within 72 hours.

If enacted, this legislation would not result in an increase in the budgetary requirements of the Department of Defense.

Section 14. This proposal would modify section 12304 of title 10, United States Code, to provide authority to include up to 30,000 members of the Individual Ready Reserve as part of the 200,000 Reserve component members ordered to active duty involuntarily. This would be done only when the President determines that it is necessary to augment the active forces for any operational mission. This change would ensure the timely availability of certain trained members of the Individual Ready Reserve [IRR] to fill requirements for selected skills in early mobilizing or deploying active and reserve units. This would preclude the need for cross-leveling of personnel from later deploying units to fill shortages in early deploying units. Currently, members of the IRR cannot be ordered to active duty involuntarily until a national emergency has been declared.

Every military unit has vacancies caused by individual schooling requirements, hospitalizations, and transitioning personnel. Additional vacancies occur upon deployment due to personal hardships, medical reasons, and differences between peacetime and wartime manning. In the past, upon deployment, those vacancies have been filled by taking trained personnel from later deploying units or individual volunteers from the IRR. This approach of fixing early deploying units at the expense of units scheduled for later deployment can create a risk with regard to readiness of the later deploying units, should their deployment be required. As the force becomes smaller, every unit in the Reserve components becomes increasingly important. Borrowing personnel from later deploying units is no longer an acceptable option.

The Army has documented the need for early access to members with specific skills, in specific grades, in the IRR to accommodate full-strength deployment of first-to-fight units. Since members of the IRR are in the Ready Reserve but not the Selected Reserve, currently they are not subject to involuntary call-up under the provisions of the section 12304 being amended (Presidential Selected Reserve Call-up) and are therefore not available for filling early deploying unit shortfalls.

This legislative proposal would provide the authority to use a limited number of IRR members who possess specific specialties and grades, and who meet certain criteria, to fill early deploying unit shortfalls, thus lessening the potential impact on the readiness and cohesion of units scheduled for later deployment.

Section 15. This provision would extend, through the end of Fiscal Year 1998, the Weapons of Mass Destruction Act of 1992, which is slated to expire at the end of Fiscal Year 1996. The provision would revise funding restrictions in a manner consistent with the original legislation. Such authority especially is important given ongoing concerns over Iraq's continued possession of weapons of mass destruction and missile delivery systems. The Department of Defense, including its Executive Agent for matters regarding the United Nations Special Commission on Iraq (POTPOR.SECUNSCOM), the On-Site Inspection Agency, requires the authority to continue much of its current activities in support of UNSCOM.

By Mr. THURMOND (for himself and Mr. NUNN) (by request):

S. 1673. A bill to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1997, to authorize certain construction at military installations for fiscal year 1997, and for other purposes; to the Committee on Armed Services.

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

Mr. THURMOND. Mr. President, by request, for myself and the senior Senator from Georgia [Mr. NUNN], I introduce, for appropriate reference, ''A bill to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, to prescribe military personnel strength for fiscal year 1997, to authorize certain construction at military installations for fiscal year 1997, and for other purposes.'' I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and a section-by-section analysis explaining its purpose by printed in the RECORD.

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

GENERAL COUNSEL OF
THE DEPARTMENT OF DEFENSE,
Washington, DC, April 5, 1996.

Hon. ALBERT GORE, Jr.,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: The Department of Defense proposes the enclosed draft of legislation, ''To authorize appropriations for Fiscal Year 1997 for military activities of the Department of Defense, to prescribe military personnel strengths for Fiscal Year 1997, and for other purposes.''

This legislative proposal is part of the Department of Defense legislative program for the 104th Congress and is needed to carry out the President's budget plans for Fiscal Year 1997. The Office of Management and Budget advises that there is no objection to the presentation of this proposal to the Congress and that its enactment would be in accord with the program of the President.

This bill provides management authority for the Department of Defense in Fiscal Year 1997 and makes several changes to the authorities under which we operate. These changes are designed to permit a more efficient operation of the Department of Defense.

Enactment of this legislation is of great importance to the Department of Defense and the Department urges its speedy and favorable consideration.

Sincerely,

JUDITH A. MILLER.

Enclosures.

SECTIONAL ANALYSIS

PROCUREMENT—OTHER MATTERS

Section 110 clarifies that the prohibition in the National Defense Authorization Act for Fiscal Years 1990 and 1991 does not apply to funds authorized and appropriated in the Department of Defense Appropriations Act, 1996 and the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 186). The prohibition was against obligating funds for procuring additional F–15 aircraft. This proposal is similar to previous exceptions at section 137 of the National Defense Authorization Act for Fiscal Year 1992 (Public Law 102–190; 105 Stat. 1312) which permitted the obligation of funds to replace and support F–15 aircraft that had been sold to Saudi Arabia. Without this clarification the Department of Air Force will be unable to

obligate appropriated funds for this program. The proposal also would obviate the prohibition for Fiscal Year 1997 departmental authorizations and appropriations. The President's Budget includes assumptions that the waiver will apply in Fiscal Years 1996 and 1997.

Section 111 updates the cost basis for the definition of the term ''major system'' to fiscal year 1990 constant dollars from fiscal year 1980 constant dollars. It also allows the Secretary of Defense to further adjust these costs after notification of the Congressional defense committees. This language parallels the language in the definition of ''major defense acquisition program'' found in section 2430 of title 10.

The purpose of section 112 is to streamline and simplify the notification process for defense contract workers who are displaced because of termination or substantial reduction in defense contract funding. The current law creates an elaborate process of such a complex and cumbersome nature that it actually prevents prompt notification. The revision places notifications directly at the contract administration level. Additionally, a redundant Federal Register reporting requirement is eliminated.

The proposal would continue the intent of the original legislation—to make displaced defense contract workers eligible for employment services under the Job Training Partnership Act (JTPA).

It would require DOD notifications to contractors upon actual contract terminations or substantial reductions in funding. The original law, on the other hand, had notification triggered by the budget process at the program level when the President's budget was first submitted to Congress. It included provision for withdrawals of notification if Congress provided funding for a program proposed to be eliminated or reduced by the President's budget. The original law also included a provision for notifications based on funding cuts, still at the program level, in the Defense Appropriations Act. This proposal eliminates the necessity of withdrawals of notices by focusing the process on actual contract impacts (instead of ''pending'' terminations or substantial reductions, and relates to obligated funds on a contract by contract basis. Additionally, notifications/withdrawals in the original legislation, at the program level, did not identify which specific contracts under a particular major defense program would be reduced or eliminated.

The proposal also eliminates reporting in the Federal Register of notifications and withdrawals as redundant to the public availability of both budget submissions and enacted defense appropriations legislation.

The proposal retains the following provisions of the original law:

Notification to contractors by DoD within 60 days after enactment of a Defense Appropriations Act; contractor's obligations to inform adversely affected employees, its subcontractors, State Employment Services' dislocated workers units, and the chief elected local government official within two weeks after the contractor receives notification.

Continued requirement to give notice to the Department of Labor.

Notification of contract termination or substantial reduction to enable displaced defense contractor employees to be eligible for JTPA employment benefits.

Continued notifications to affected subcontractors at identified tiers.

Loss of eligibility for JTPA benefits if funding is restored to a contract after notification.

Continued connection to major defense system.

Section 113 would incorporate improvements in the acquisition reporting process of major defense acquisition programs. These improvements reflect recommendations from the Defense Authorization and Appropriation Committees, Congressional Budget Office, and Department of Defense staffs. Briefly, this proposal includes revisions to the section of the law that is related to Selected Acquisition Reporting (SAR).

This provision would replace ''program acquisition unit cost'' with ''procurement unit cost'' as a more meaningful measure of recurring unit cost. Program acquisition unit cost includes Research, Development, Test, and Evaluation (RAT&E), a nonrecurring portion of acquisition costs. Management oversight of *unit* cost should focus on procurement unit cost, the recurring portion of acquisition costs.

The provision also would delete the currently reported completion status for a program, that is, percent program completed and percent program cost appropriated. These calculations of program status can be misleading, particularly in the early development stage of a program. The Department plans to substitute percent program delivered and percent program expended as more accurate measures of program status. These measures also represent the statutory criteria for SAR termination.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Section 202. Section 2366, title 10, United States Code, requires realistic survivability testing on a covered system before the system may proceed beyond low-rate initial production. The law authorizes the Secretary of Defense to waive realistic survivability testing before the system enters into engineering and manufacturing development if a certification is made to Congress that testing would be unreasonably expensive and impractical, and requires a report assessing realistic survivability testing. The V–22 program entered full-scale engineering development (the previous term for engineering and manufacturing development) prior to enactment of the legislation.

This section allows the Secretary of Defense to exercise the waiver authority of section 2366(c), notwithstanding the fact that the V–22 program has already entered engineering and manufacturing development. Such a waiver requires the Secretary of Defense to certify to Congress that live-fire testing of the V–22 would be unreasonably expensive and impractical. The section also provides alternative survivability test requirements for the conduct of any alternative live-fire test program.

Section 203 would amend section 2366(c) of title 10, United States Code, to authorize the Secretary of Defense to exercise the waiver authority in such section, with respect to the application of survivability tests of that section to the F–22 aircraft, notwithstanding that such a program has entered full-scale engineering development.

Section 254 of the National Defense Authorization Act for Fiscal Year 1995 directed the Secretary of Defense to request the National Research Council to study the desirability of waiving the live fire tests that are required by law for the F–22. The Committee on the Study of Live Fire Survivability Testing of the F–22 Aircraft was formed by the National Research Council (NRC) to conduct the study.

The NRC committee began its work in December 1994. Several data gathering meetings were held to expose the committee to the full spectrum of views involving live fire testing of fighter aircraft. A final report entitled ''Live Fire Testing of the F–22'' was published in 1995. The principal recommendation of this report is stated below:

''Principal Recommendation. Permit a waiver of the full-up, full-scale live fire tests required by law for the F–22. The committee believes that such tests are impractical and offer low benefits for the costs.''

The NRC report contains four pages of recommendations. The F–22 System Program Office (SPO) is preparing a detailed response to each of the NRC recommendations. The F–22 SPO will coordinate these additional RDT&E activities with the responsible Air Force and OSD offices.

Given the above NRC recommendation, the Department of Defense is submitting legislation to authorize a retroactive waiver of the survivability and lethality testing procedures that apply to the F–22 Program.

This law change avoids the purchase ($181M in FY90$, $250M in TY$) of an additional F–22 aircraft for full-up, full-scale destructive live fire testing.

Section 204 would clarify and, to the extent necessary, override the provisions of section 1701 of the National Defense Authorization Act for Fiscal Year 1994, or other laws, which indicate that the basic and applied research and advanced technology development activities of the Defense Advanced Research Projects Agency are to be subordinated to other research organizations or entities within the Department. This would restore the agency to its traditional function within the Department.

TITLE III—OPERATION AND MAINTENANCE

Section 310 would expand the remedies available to contractor employees who are wrongfully terminated because they reported wrongdoing.

This legislation would also amend the law to provide that the investigative costs may be assessed against a contractor when the allegation of reprisal is substantiated.

Any additional costs required by this proposal will be absorbed in departmental operation and maintenance accounts.

Section 311 would repeal section 12408 of title 10, United States Code, which requires that each member of the National Guard receive a physical examination when called into, and again when mustered out of, Federal service as militia. For short periods of such service, this requires two complete physical examinations during a period of days or weeks. In view of other statutory and regulatory requirements for periodic medical examinations and physical condition certifications for members of the National Guard, this additional examination requirement is unnecessary, administratively burdensome, and expensive, and could impede the rapid and efficient mobilization of the National Guard for civil emergencies.

There is no corresponding statutory requirement for physical examinations when members of the National Guard or other reserve components are ordered to active duty as reserves.

Section 312 would amend section 4105 of title 5, United States Code, by adding a new sentence to authorize the utilization by military personnel of arrangements and agreements developed for training civilian employees. Current authorities do not provide a streamlined procedure for the acquisition of commercial courses for military personnel, whereby the Government Employees Training Act of 1954 authorized procuring such courses without regard to acquisition practices contained in part 5 of title 41 and the prohibition against paying in advance of receipt of services now contained in section 3324 of title 31. Allowing military personnel to utilize these procedures will streamline acquisition of these courses, enabling utilization of commercial credit cards and electronic funds transfer, where appropriate, to parallel practices in commercial industry.

If enacted, this proposal will not increase the budgetary requirements of the Department of Defense. By amending this section, monetary savings may be realized by decreasing their intensive procurement methods and authorizing training personnel to procure such training for military personnel in addition to civilian personnel training rather than have contracting personnel involved in the acquisition of what were basically commercial services.

Section 313 provides authority to Department of Defense (DoD) to retain proceeds from the sale of Clean Air Act emission reduction credits, allowances, offsets, or compatible economic incentives.

Federal fiscal law and regulations generally require proceeds from the sale of government property to be deposited in the treasury. These regulations preclude an agency from keeping the funds generated by reducing air emissions and selling the credits as does private industry. This inhibits the investment of those funds to purchase needed air credits in other areas, and eliminates any incentive for installations to spend the money required to generate the credits in order to sell them.

The Clean Air Act (CAA) mandates that states establish state implementation plans (SIPs) to attain and maintain the national ambient air quality standards (NAAQs), which are health based standards established for certain criteria air pollutants, e.g., ozone, particulate matter, carbon monoxide. To further this mandate, the 1990 Clean Air Act Amendments provided language encouraging the states to include ''economic incentive'' programs in their SIPs. Such programs encourage industry to reduce air pollution by offering monetary incentives for the reduction of emissions of criteria air pollutants. CAA §110(a)(2)(A) provides that SIPs ''shall include enforceable emission limitations and other control measures, means or techniques (including economic incentives such as fees, marketable permits, and auctions of emission rights) . . . as may be necessary or appropriate to meet the applicable requirements of this chapter.'' See also CAA §176(c)(6) (similar language specifically directed toward SIPs for nonattainment areas for NAAQs).

A number of state and local air quality districts have already established various types of emission trading systems (see Brownstein, ''Report on Select Emissions Trading Programs,'' prepared for the Virginia Department of Environmental Quality by the Mid-Atlantic Regional Air Management Association (1995), examining 11 state trading and banking programs). However, the military services presently lack clear authority to sell Clean Air Act economic incentives and, if such incentives were sold, would have to remit the proceeds to the U.S. Treasury. Assuming sale authority is granted, this authority needs to be coupled with the right to retain the proceeds at the installation level in order to create a local economic incentive to reduce air pollution above and beyond legal requirements and thereby create a marketable commodity. Retention and use of proceeds at the installation level is a key component of the proposed bill. Because this new authority would be similar in concept to existing authority for the sale of recyclable materials and retention of proceeds from the sale for use by the local military installation, the proposed bill is patterned on that authority.

In 1982, Congress passed Public Law 97–214, 10 U.S.C. §2577, Disposal of Recyclable Materials, to provide greater economic incentives for military departments to develop aggressive recycling programs at the installation level to reduce the volume of materials going into the waste stream. The statute gave the Secretary of Defense authority to prescribe regulations for the sale of recyclable materials held by a military department or defense agency. All sales of recyclable materials by the Secretary of Defense or a Secretary of a military department must be in accordance with the procedures of section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) for the sale of surplus property. The important feature of the statute which provides a significant local economic incentive is that net proceeds from the installation's sale of recyclable materials remain at the installation, available for use in local programs (i.e., pollution abatement, energy conservation, and the moral and welfare account) rather than having to be forwarded to the U.S. Treasury, the standard requirement. When a ''profit'' can be realized and applied in support of local operations, the installation commander has a definite incentive to develop and implement a successful program.

Proceeds from the sale of recyclable materials in the DoD program had increased from $1.5 million in FY 1983 to $37 million in FY 1992. The success of the DoD recycling incentive program clearly demonstrates that there can be significant benefits to the environment, such as reduction of waste streams going to landfills, that also make sense economically when direct economic incentives are created to reduce pollution.

Budget Impact: This provision will not result in increased cost to the military. Military installations will develop tradable credits only when economically beneficial for future use at the same or other installations, or for selling on the private market. Only installations located in areas where an emissions credit program has been implemented can utilize this provision. Currently only a few states have developed such programs, with several states in the process of the necessary rulemaking. With the number of installations able to participate being unknown; no cumulative cost-benefit analysis can be presented.

However, an example demonstrating the potential cost/savings benefits of the proposed legislation is the RECLAIM air emission trading program in the South Coast Air Quality Management District (SCAQMD), California. The RECLAIM program is an allowance type market program for NO_x (Nitrogen oxides) and SO_x (sulfur oxides) sources. RECLAIM Trading Credits (RTCs) are issued annually, upon payment of a fee, to a facility at the start of its compliance cycle (one year). The number of RTCs issued to a facility decline each year. If a facility has RTCs that it does not require for its own use, it may sell those RTCs to other RECLAIM facilities. Several military installations are required to participate in the NO_x RECLAIM program including March Air Force Base, Long Beach Naval Shipyard, and Naval Auxiliary Landing Field San Clemente Island. These military facilities will also be included in the RECLAIM program for VOCs once it is approved.

RECLAIM was effective January 1, 1994. By December 1994, at the conclusion of the first year of the program, March AFB held 69,246 pounds of surplus NO_x RTCs which, if the proposed legislation was in effect, it could have sold/traded to other RECLAIM facilities. March AFB could have potentially recouped half its investment having paid $00.10 per pound or $7,051 for the unused credits. In 1995, March paid $12,415.00 for 110,458 NO_x RTCs; it expects to use 90,000. However, since March is closing, once the active duty forces have left on April 1, 1996, March will have a significant decrease in NO_x emissions meaning it will then have a significant number of RTCs to trade/sell.

A report on RECLAIM trading provides interesting market data (see Margolis, ''In the RECLAIM Trading Pit—Progress, Problems, and Prospects,'' Dames & Moore Air Trade Services, Air & Waste Management Association, 88th Annual Meeting (1995)). At least 30 trades have occurred involving about 5.5 million pounds of NO_x. The largest trade to date was between Union Carbide Corporation (RTC seller) and Anchor Glass Container Corporation (RTC buyer) involved a stream of 1994 through 2010 NO_x RTCs equaling about 1,700 tons. The price was $1.2 million for the entire stream, or about $700 per ton of RTCs (in 1994 dollars). The first RECLAIM auction, held in July, 1994, drew 17 sellers and 6 buyers; 48,700 pounds of 1995 NO_x RTCs sold for $334 per ton and 2,500 pounds of 1996 NO_x RTCs sold for $574 per ton. The 1995 RTCs that March projects to have this year, by interpolation, could then be sold for $3,340.00, not a large sum, but, as noted above the sales price will increase in succeeding years as all facility allocations decline. The sale reduces compliance costs and proceeds offset fees incurred by the military facility. Recent trading in the RECLAIM program showed that the cost for RTCs useable in the years 2010/11 had risen to $1706/ton.

We anticipate that many other areas of the country will be implementing ''RECLAIM'' type programs that require military installations to purchase credits or allowances based on estimated allocations rather than actual emissions. In time, the new CAA Title V Operating Permit Programs will include trading components and Title V is based on ''potential to emit'' rather than actual emissions. It is therefore necessary to give the military services the required authority and flexibility to fully participate in these new emission trading programs.

Section 314 would revise subsection 2216(i)(1) of title 10, United States Code, to reestablish compatible capital asset thresholds for Operation and Maintenance (O&M) funded activities and DBOF funded activities. Historically DBOF business areas have used the same capital asset threshold as used by O&M funded activities to ensure application of consistent accounting policies throughout the Department and to simplify training and management requirements. The raising of the O&M capital asset threshold to $100,000 reflects the impact of inflation on the cost of equipment and software and the recognition that $50,000 is no longer a reasonable threshold for the additional management requirements associated with capital purchases.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Section 402 would amend section 115(d) of title 10, United States Code, by adding a new subsection (8), which would exclude a limited number of Reserve component members, who are serving on active duty for special work for more than 180 days, from counting against the end strength for each of the armed forces (other than the Coast Guard) authorized for active duty personnel who are to be paid from funds appropriated for active duty personnel. This proposed amendment would increase accessibility to Reserve component members and provide for greater continuity in the use of Reservists to support CINC and other active force OPTEMPO requirements. The number of Reserve component members serving on active duty for more than 180 days, excluded under this provision, could not exceed two-tenths of one percent of the authorized active duty end strength for each military service.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Matters Relating to Reserve Components

Section 501 would amend section 14514, chapter 1407, of title 10 of the United States

Code to authorize the Service Secretaries to separate administratively members in an inactive status for years of service or after selective removal without convening a discharge board.

Enactment of this technical change closes a loophole that allows retention of non-participating members in the Standby Reserve with no benefit to the government. The majority of these members are retirement eligible and have not applied for transfer to the Retired Reserve. Assignment of these Reserve members to the Retired Reserve benefits the government as they are available for use much earlier in a contingency due to a higher DOD mobilization priority selection. Congressional authority is required to recall the Standby Reserve. World War II was the last time Congress recalled the Standby Reserve. Presidential authority is required to recall Retired Reserve members. The last time the President recalled the Retired Reserve was during DESERT SHIELD/STORM.

Another benefit is reduced administrative cost to the government due to selective removal of members from the inactive status. Presently, in order to separate these members an Administrative Discharge Board must be convened by the responsible agency and this board must be comprised of personnel who are senior in grade to the member being considered for discharge. Convening a board involves travel expenses, per diem, pay and allowances, commissary and base exchange privileges and the administrative costs of the board. Approval of this change allows the Service Secretaries to be more efficient and cost effective in managing their inactive reserves.

Any additional administrative costs in the enactment of this proposal will be accomplished within available operational and maintenance funds.

Section 502 would amend section 12205 of title 10, United States Code, relating to the ability of members of the Naval Reserve to be promoted. The amendment would authorize naval service members who are selected for service as commissioned officers under the Seaman to Admiral program to be promoted above the grade of lieutenant (junior grade) even though they might not have completed baccalaureate degree requirements at the time they are considered by the lieutenant (0–3) selection board. Section 12205 restricts the promotion of officers of the Naval Reserve who do not have baccalaureate degrees to no higher than the grade of lieutenant (junior grade), with exceptions for limited duty officers and members commissioned under the Naval Aviation Cadet (NAVCAD) program. This section would simply add an exception for members commissioned under the Seaman to Admiral program.

The Seaman to Admiral program was designed to provide commissions to outstanding enlisted members of the Navy even if they do not have a college degree. This program provides an excellent opportunity for up to 50 truly outstanding Navy enlisted personnel per year. After selection to the program and commissioning as ensigns in the Naval Reserve, the Seaman to Admiral selectees attend from 16 weeks to 2 years of warfare training. These officers then serve in their wartime communities in initial operational tours of duty. Later, they are afforded the opportunity to earn college degrees at Government expense. Attendance at college would commence when they have approximately 3–4 years of commissioned service, coinciding with the promotion flow point to lieutenant. Under current law, the Seaman to Admiral program selectees will not be eligible for promotion above 0–2 at that flow point, as most will not have earned college degrees. At their ''second look'' for promotion to lieutenant, approximately the 5-year mark, current law would require officers who have not yet completed degrees to be passed over a second time. Under current law, members passed over twice must be separated from the service.

This section is needed to remove the unintended consequence of forcing failure of selection for promotion, without regard to performance. This amendment will allow Seaman to Admiral program selectees to become commissioned officers with full career opportunity according to merit, including promotions at the normal flow points.

In the first 2 years of this program, 58% of the selectees in an intensely competitive selection process had already completed a portion of their college education prior to selection. This bill is intended to ensure these outstanding junior officers retain the ability to complete for promotion based on their performance.

The proposed legislation would result in no additional Department of Defense costs or budget requirements.

Section 503 would direct the Secretary of Defense to conduct a regionalized test of unlimited commissary privileges for members of the reserve component of the Armed Forces who are currently eligible for limited use of the commissary. Currently, eligible members of the Ready Reserve and Retired Reserve as authorized 12 days of commissary shopping in a calendar year. The test would provide a means of evaluating the extent to which an expansion of commissary privileges for currently authorized Reservists might impact on commissary operations.

Section 504 would amend section 12868 of title 10, United States Code, as added by the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2998), to provide discretionary authority to the Secretaries of the Military Departments and the Secretary of Transportation to except certain members of the reserve component, who serve on active duty (other than for training) from the limitations on separation contained in that section. Under section 12868, a member of a reserve component who is serving on active duty (other than for training), and is within two years of becoming eligible for retired pay or retainer pay under a purely military retirement system may not be involuntarily released from active duty without the approval of the Secretary concerned. The amendment would provide that reservists who volunteer to serve on active duty (other than for training) for a period of 180 consecutive days or less could be excepted from the general prohibition on involuntary release even though they complete 18 or more years of service. This exception would apply only if the member is informed of and consents to such exception prior to entry on active duty. This exception would not apply to reservists involuntarily ordered to active duty. There are no costs associated with the provision.

Section 505 would change the number of years that the Department of Defense could recognize a baccalaureate degree awarded by a qualifying educational institution from three years to eight years. The typical promotion opportunity to the rank of Captain in the Army Reserve, Army National Guard, Air Force Reserve, Air National Guard, and Marine Corps Reserve, and Lieutenant in the Naval Reserve occurs at approximately three and one half years of service. Officers typically remain eligible for promotion through approximately seven and one half years of service before mandatory separation processing occurs for failure to select for promotion. The current three year statutory limitation for recognizing a baccalaureate degree from a qualifying educational institution effectively precludes an officer who holds such a degree from meeting the educational requirements for promotion, even at the first promotion opportunity, unless the officer earned the degree sometime after receiving a commission. By changing the period that the Department can recognize a degree from a qualifying educational institution to eight years, we provide these officers every opportunity to be appointed or federally recognized in the grade of O-3 based on their overall performance and qualifications for promotion, to include necessary post-secondary educational requirements.

This proposal has no budgetary effects to the Department of Defense.

Section 506 would amend subsection 418(c) of title 37, United States Code, to correct an erroneous reference. Section 1038(c) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106) amended section 418 of title 37, U.S.C. to prohibit paying a uniform allowance or furnishing uniforms under section 1593 of title 10, U.S.C., or section 5901 of title 5, U.S.C., to enlisted members of the National Guard employed as technicians under section 709 of title 32, U.S.C. for periods of employment ''for which a uniform allowance is paid under section 415 or 416'' of title 37. The intent of this legislation is to prevent technicians from receiving uniform benefits from two different sources. However, because sections 415 and 416 of title 37, U.S.C. only apply to uniform allowances for officers, this reference is incorrect. The legislation should have referred to section 418 of title 37 (itself) because this is the authority for providing uniform benefits to enlisted members. The amendment correct the erroneous reference.

Section 507 would amend section 12310 of title 10, United States Code to provide that certain reserve personnel serving in composite organizations which support both the active and reserve components, reserve personnel on duty for peacetime standby air defense and ballistic missile defense operations within the territory of the United States, and reserve personnel on duty in reserve component organizations which have been assigned the responsibility for the conduct of activities of the service Secretaries in support of any part of a military department, may be counted against the end strengths for reserve personnel on active duty or full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing or training the reserve components.

Subsection (c)(1) would supplement 10 U.S.C. 2571, which permits any department or organization of the Department of Defense to perform work and services for any other department and organization without reimbursement, by treating as AGRs reserve personnel who perform any function of a secretary of a Department which has been assigned by that secretary to a reserve component organization for execution, with the consent of the Chief of the National Guard Bureau or the chief of such reserve component. A reserve component organization, for purposes of this section, would be an organization under the control of the Chief of the National Guard Bureau or any of the chiefs of the reserve components.

Subsection (c)(2) would provide that peacetime standby air defense and ballistic missile defense of the territory of the United States would be included within the scope of functions for which reserve personnel would be accountable against reserve component end strengths. Thus Air National Guard personnel of the First Air Force would be accounted for as Active Guard and Reserve personnel while instructing and training for and performing standby air defense activities and Army National Guard personnel would be similarly treated when conducting standby ballistic missile defense activities for the

Ballistic Missile Defense Organization. Section * * * of title 10 would permit these AGRs to conduct air defense and missile defense after a mobilization.

Subsection (d) would provide that Reserve personnel be authorized to supervise and command active component personnel in a composite organization which conducts activities in support of both active and reserve components.

Subtitle B—Officer Education Programs

Section 510 would modify title 10 to set the maximum age for ROTC scholarships at age 27, vice age 25 (10 U.S.C., §2107); would concurrently modify the age standard for Service academies (10 U.S.C., §§4346, 6958, 9346) to ensure that academy entrants also would be appointed as commissioned officers by age 27. Specifically, this would add two years for ROTC scholarship students and a single year for the academies. The change is driven by a need reported by all Services—to relax the ROTC age standard as a means of expanding the recruiting pool, while accommodating promising students who otherwise would be ineligible. The Service academy change flows from a recognition that the controlling criterion (a youthful and vigorous officer corps) should bear equally on both sources of commission.

This provision would apply to classes entering the service academies of 1997 and thereafter.

Section 511 would modify current law (10 U.S.C. 2107) to permit initial award of ROTC scholarships to those who already have received a baccalaureate degree, provided the recipient executes contractual commitments, including enrollment in the ROTC advance course. Today, Services cannot recruit a 22 year-old electrical engineer with bachelors degree, who (never before an ROTC participant) could earn a masters degree in two years while completing the ROTC advanced course, qualifying for commission. This exclusion also penalizes top performers who graduate from high school or enter ROTC with advanced college credit, since the scholarship is terminated when they complete the undergraduate degree, yet they must remain in college to complete ROTC commissioning requirements. No additional costs would be incurred, since this simply would permit more-efficient channeling of existing scholarships.

Subtitle C—Other Matters

Section 515 would expand the definition of the term ''active status'' in section 101(d) (4) of title 10, United States Code, to include both officers and enlisted members of the reserve components, who are not in the Inactive National Guard, on an inactive status list, or in the Retired Reserve. This change is consistent with Section 10141(b) of title 10 which addresses the status of reserve component members and which states that *all Reserve members* who are not in an inactive status or a retired status are in an ''active status.''

Section 516 would amend sections 574(e) and 575(b) of title 10 to reduce the minimum time in grade necessary for promotion to two years rather than three, and to authorize the below-zone selection for promotion to the grade of chief warrant officer, W–3.

Reduction of the minimum time in grade required for promotion would result in actual promotion after three years in grade. It is not now possible for below zone consideration, even to chief warrant officer, W–4. This legislation would also authorize chief warrant officer, W–3, below-zone selection opportunity. This change will permit recognition of the small number of chief warrant officers, W–3, deserving of promotion ahead of their peers. The average chief warrant officer, W–2, has almost eighteen years enlisted service when commissioned in that grade.

Prior to 1 February 1992 when the Warrant Officer Management Act became effective, temporary warrant officer promotions were made under such regulations as the service secretary prescribed, as authorized by section 602 of title 10. Under this section, repealed by the Warrant Officer Management Act, warrant officers were temporarily promoted well ahead of the criteria for permanent regular warrant officer promotions under section 559 of title 10, also repealed, and it was also possible for a limited number of outstanding individuals to be selected early from among below-zone candidates for the grade of chief warrant officer, W–3.

Under section 574(e) of title 10, a chief warrant officer is not eligible to be considered for promotion to the next higher grade until he or she has completed three years of service in current grade.

Additionally, section 575(b)(1) of title 10 limits below-zone selection opportunity to those being considered for promotion to chief warrant officer, W–4, and chief warrant officer, W–5.

This legislation is intended to improve the management of the Services' chief warrant officer communities by reducing the minimum time in grade required for chief warrant officers to be considered for promotion to the next higher grade from three years to two years, thereby allowing the opportunity for early selection, and to authorize below-zone selection opportunity for promotion to the grade of chief warrant officer, W–3, similar to that currently authorized for promotion to the grades of chief warrant officer, W–4, and chief warrant officer, W–5.

With due-course promotions occurring after four years time in grade, as they now occur in the Department of the Navy, the requirement for chief warrant officers to have three years in grade to be considered for promotion has the effect of not permitting any early selections. Reducing the minimum time in grade for promotion consideration to two years would allow for a small number of individuals to be selected from among below-zone candidates, and to be promoted one year early after actually serving three years in grade. Additionally, authorizing early selection to chief warrant officer, W–3, would permit recognition as appropriate of the experience and competence of these individuals. For example, the average Navy chief warrant officer, W–2, has almost 18 years enlisted service when commissioned in that grade.

Chief warrant officers provide the services with commissioned officers who possess invaluable technical expertise, leadership and managerial skills developed during enlisted service and through formal education. This legislation is needed to identify and reward the small number of exceptionally talented chief warrant officers whose demonstrated performance and strong leadership are deserving of special recognition by being selected for promotion ahead of their peers, thereby enhancing morale and maintaining the vitality of the entire community.

These changes would increase the size of the group under consideration for promotion but would not authorize any additional numbers of total promotions from that larger group. As a result, this proposal would not result in any increased cost to the Department of the Navy, other services, or the Department of Defense.

Section 517. The FY–96 National Defense Authorization Act (Public Law 104–106; 110 Stat. 186) amended title 10, United States Code, by adding Chapter 76—Missing Persons. While the Department supported the Senate version of the act, the compromise version adopted into law contains several provisions which will have a negative impact on efforts to account for missing personnel, the well being of their families, and the people who are charged with the accounting effort. The proposed repeals and amendments are intended to ensure that the process of determining the fate and accounting for America's missing are not inadvertently hindered, and that the families get the answers, rights and benefits they deserve without placing additional financial and emotional burdens on them.

(a) REPEAL.—

(1) Section 1508 (Judicial Review).—The section provides the primary next of kin or previously designated person(s) the right to appeal a finding of death on the basis of a subjective opinion that proper weight was not accorded to available information.

This provision will create an undue delay in the final resolution of a missing person's status and subsequently benefits to the beneficiaries. This right to challenge the finding becomes even more disruptive when the beneficiaries are not a party to the appeal. In addition, the court is not being asked to judge whether a person's rights have been violated, but rather to render a subjective opinion on the strength and validity of information related to the case, a role military experts and peers of the missing person have already performed.

(2) Section 1509 (Preenactment, Special Interest Cases).—The section requires the establishment of boards of inquiry for Cold War (dating back to Sept. 2, 45), Korean and Vietnam War unaccounted for cases if new information, from any source, becomes available that may result in a change of status.

This provision will at best consume a significant amount of time and money, and at worse produce a lose-lose situation—given the age of these cases and the possible inability to locate all relevant evidence or witnesses. The Secretary concerned already has the ability under chapter 10, title 37 U.S.C. to review cases if evidence arises that indicates that a service member previously declared dead may be alive. To date, the findings of the Senate Select Committee on POW/MIA Affairs and the current work being conducted by the Defense POW/MIA Office, USCINCPAC's Joint Task Force-Full Accounting, U.S.-Russia Joint Commission, and the central Identification Laboratory, Hawaii, to account for American service personnel have been unable to uncover any credible evidence that there are unaccounted for service members still alive from the Cold War, Korean War, or the Vietnam War.

(b) TRANSMISSION THROUGH THEATER COMPONENT COMMANDER.—Requires the theater component commander to review all missing person's recommendations from the unit commanders, in the field, and then certify that all necessary actions are being taken and all appropriate assets are being used to resolve the status of the missing person. In addition the provision provides the missing person's unit commander only 48 hours to complete an initial investigation and forward a missing recommendation to the theater component commander.

The review and certification requirements by the combatant commander work under the assumption that all future conflicts will be small in scope and casualties limited in number. In a major conflict, with heavy losses, the volume of certification requirements will severely tax the Component Commanders, and their staffs, and divert their attention at a time when they are charged with the grave responsibility of directing the CINC's military efforts in the theater and leading soldiers, sailors, and airmen in battle. The unit commander, grade 0-5 or above, who conducts the investigation under section 1502 is more than capable of conducting

a full search and rescue effort, and a thorough investigation of the loss. A minimum of 10 days is required, rather than 48 hours, to conduct a thorough and complete investigation and provide a fully informed recommendation.

(c) COUNSEL FOR MISSING PERSON.—Requires the Secretary to assign a missing person's counsel to represent each missing or unaccounted for person. Counsel is tasked with reviewing each piece of new evidence that may affect the missing person's status to determine if it is significant enough to recommend that the Secretary appoint a review board. In addition, the counsel is directed to review all information, attend board deliberations, and provide a written report as a companion to the review boards report.

This provision presupposes that the U.S. government does not hold the interest of the missing person as the compelling factor in determining their status. It also creates an adverserial environment that, as shown by experience in other similar types of investigations, may ultimately have a negative impact on the investigative process. The requirement for a lawyer to attend deliberations and then comment on the findings may have a chilling effect on the board's deliberations—nowhere else in our system are lawyers representing an affected party allowed to sit in on the deliberations of a deliberative panel. This effect is exaggerated for multiple loss cases where the provision requires one counsel for ''each'' mission person; i.e., if 20 servicemen are lost in a plane crash, 20 lawyers must be assigned to the case. Finally, the requirement to have a lawyer review every new piece of information, creates an administrative and financial burden on the Department by requiring the Office of Missing Persons to maintain a full time cadre of lawyers to conduct such reviews alongside the intelligence analysts who already have this responsibility. There have already been 17,000+ live sighting or dogtag reports from the Vietnam War alone.

(d) THREE YEAR REVIEWS.—Requires that the Secretary appoint a review board every three years, for 10 years, for persons in a missing status who are last known alive or last suspected of being alive.

This requirement will only cause undue pain and financial hardship on families by requiring a status review when no new information on which to base a change in status exists. It works under the assumption that the Department will not pursue a case unless a formal board is established every three years to look into the case. Section 1505 already requires the Secretary concerned to convene a board if new information becomes available that may result in a change of status. Section 1506 requires all new information to be placed in the missing person's record, or notice thereof, and that the information or knowledge of its existence be forwarded to the family. In addition, the Government creates a double standard in that the three year review is only applied to a select number of cases. The Department feels every case/family deserves equal treatment.

(e) WRONGFUL WITHHOLDING.—The provision makes it a criminal act for a person to knowingly and willfully withhold from a missing person's file any information relating to the disappearance or whereabouts and status of the missing person. It provides for a fine under title 18 or imprisonment of not more than 1 year, or both.

The investigative and legal burden that this criminal provision will create for the analysts and other members of the Office of Missing Persons will have a debilitating effect on the pace of POW/MIA work and the quality of personnel the office is able to recruit. The Defense POW/MIA Office is often accused by a select group of families and activists with withholding documents and information from the case files of unaccounted for service members. Justice has reviewed several such allegations in the past and has found them baseless, however attaching criminal liability to such charges will create a working environment where DPMO staff ends up spending scarce time and resources aggressively defending their conduct rather than working to resolve the fate of the missing.

(f) RECOMMENDATION ON STATUS OF DEATH.—Requires that a review board recommending a status of death provide information on the date and place of death, and if remains are recovered, a description of the location where it was recovered and certification of identification by a forensic scientist, if visual identification was not possible.

Under section 1501(e), the provisions of the chapter 76 cease to apply when a person is accounted for, as defined in section 1513(3)(B), recovery and identification of the person's remains by a forensic scientist of identification, if visual identification was not possible.

(g) DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.—The law applies equal coverage to Department of Defense civilian and contractor employees who accompany forces in the field, and members of the Armed Forces. The FY–96 Defense Authorization Act calls on the Secretary of State to conduct a one year study on how best to apply similar coverage to all government civilian and contractor employees who accompany forces in the field.

Until the Secretary of State reports to Congress the results of his study on how best to cover government civilians and contractor employees, the Government risks inadvertently harming the people it is trying to protect by failing to address in chapter 76 the impact this measure may have on:

(1) provisions of title 5 U.S.C. and other civil service guidelines;

(2) the fact that such individuals may not fall under UCMJ authority;

(3) pay and promotion issues; and,

(4) other nuances that need to be examined in the Secretary's study.

While the Department agrees that there is a need for legislation covering Department of Defense civilian and contractor employees, at this point it would be better to wait until the study is complete and then address all U.S. Government and contractor employees who accompany the armed forces in hostile environments under a separate piece of legislation.

Section 518 amends section 5721 of title 10 to make permanent the authority for temporary promotions of certain Navy lieutenants.

The Navy has a shortage of available qualified officers to fill key engineering billets. To counter this shortage, some exceptional lieutenants are assigned to lieutenant commander engineering related assignments. These are extremely difficult and challenging assignments that include Engineer Officer on nuclear powered submarines, Engineer Officer on Nuclear powered cruisers, Engineer Officer on Ticonderoga class cruisers, Engineer Officer on CLF ships, Members of the fleet Commander-in-Chief's Nuclear Propulsion Examining Board or Propulsion Examining Board.

SPOT promotion authority provides a flexible *law cost solution* to precisely target the shortfall of skilled engineering officers. It is limited by the Secretary of the Navy's policy to only key engineering billets for which a shortage of available *qualified officers exists.* SPOT promotions occur within statutory lieutenant commander ceilings with a 1:1 reduction of regular promotions to lieutenant commander. Officers are promoted only while serving in a qualifying billet. The program accounts for over 120 SPOT promotions a year.

An absolute shortage of permanent lieutenant commanders exists within those line communities that fill Lieutenant Commander SPOT billets. The table below summarizes the specific shortages of permanent Lieutenant Commanders by community.

Designator	Inventory	Total billets	Community specific shortfall
1,110	1,317	1,406	89
1,120	635	819	184
6,400	62	67	5
6,130	55	73	18
6,230	25	24	−1
Total	2,094	2,389	295

The shortfall becomes significantly more pronounced if the inventory is limited to those permanent Lieutenant Commanders with the skills required for SPOT promotion billets.

Designator	Inventory	Total billets	Community specific shortfall
1,110	1,095	1,406	311
1,120	436	819	383
6,400	62	67	5
6,130	55	73	18
6,230	25	24	−1
Total	1,673	2,389	716

The qualified lieutenant commander inventory includes those officers who are Engineering Officer of the Watch qualified (for conventional assignments) or have current nuclear engineer qualifications (for nuclear assignments).

The number of community specific billets actually understates the billet fill requirements in the case of unrestricted line officers who must also fill a fair share of 1000/1050 billets.

The continued use of SPOT promotions remain necessary due to the critical shortage of officers qualified to fill engineer officer, engineering departmental principal assistants, engineering material officer and engineering staff billets directly supporting fleet engineering readiness. Originally enacted in 1965, SPOT promotion has proven its value as a strong incentive and retention tool for our top officers. It remains a very effective management tool to ensure our ability to fill extremely demanding billets with the best officers.

Section 519 would modify title 10, United States Code, (§513) to permit extension in the Delayed Entry Program (DEP), for meritorious cases as determined by the Secretary concerned, beyond the 365-day time limit currently established by the statute. Notably, applicants who enter the DEP in June or July are within a few weeks of that ceiling when they graduate from high school; consequently, a delay would force discharge and re-accomplishment of enlistment, with associated challenge and expense. In the past, natural and manmade disasters have forced delays in shipping schedules, and this change simply would permit, on a selective basis, the avoidance of discharge/enlistment paperwork drills.

Section 520. Currently, section 505(d) of title 10, United States Code, authorizes the Secretaries of the military departments to accept reenlistments in regular components for a period of at least two but not more than six years. Accordingly, even senior enlisted members of the armed forces who have made military service a career must periodically reenlist. This proposal would eliminate the administrative efforts and associated

costs that occur as a consequence of the requirement to reenlist continually senior enlisted members.

Under the proposal, the Secretaries of the military departments could accept indefinite reenlistments from enlisted members who have at least ten years of service on active duty and who are serving in the pay grade of E–6 or above. The vast majority of enlisted members with these characteristics will make military service a career. Thus, in enlisted member who serves 30 years would avoid the necessity of continually reenlisting over a 20 year period. The paperwork for reenlistment and its processing is not burdensome but it is not insignificant. Savings should result. The proposal would also increase the prestige of the noncommissioned officer corps.

Section 521. As a result of the demise of communism and a reduction in the size of military forces in many nations, including the U.S., it is important that allied and other friendly countries work together to standardize doctrine, procedures and tactics and share responsibility in the development and production of military systems to promote standardization and interoperability at reduced costs. The exchange of military and civilian personnel between defense establishments is one of the efficient and cost effective means that can be used to promote these objectives. Under the proposed exchanges, costs would be borne by the government of the exchange personnel except for activities that are directed by the host party or where orientation or familiarization training is made necessary by the unique qualifications of the assignment. The proposal further stipulates that the benefit to each government must be substantially equal which ensures that each government benefits from the exchanges.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Section 601 would waive the adjustment required by section 1009 of title 37, United States Code and increase the rates of basic pay, basic allowance for subsistence, and basic allowance for quarters by three percent. This is what the President submitted in his budget for Fiscal Year 1997.

Section 602 amends subsection 403(a) of title 37, United States Code, by adding a provision that would eliminate the entitlement to Basic Allowance for Quarters (BAQ) for members of the Ready Reserve who occupy government quarters during short periods of active duty, fifteen days or less, and who are not accompanied by their dependents. This legislative proposal is a National Performance Review initiative. It would eliminate the requirement to provide BAQ to Reserve component members performing annual active duty for training when government berthing/housing is provided. Reserve component members performing active duty when government quarters are not provided or when members are accompanied by their dependents would not be subject to this limitation. The five year cost saving associated with this proposal is estimated at $913 million and is distributed as follows:

[In millions of dollars]

Fiscal year:	
1997	178
1998	180
1999	184
2000	187
2001	184
Total	913

Section 603 would amend section 403(c)(2) of title 37, United States Code. This provision prohibits the payment of the basic allowance for quarters to all members below the pay grade of E–6 without dependents, while assigned to sea duty. Amending this section will remove the prohibition against single E–5 members and authorize them to receive either quarters ashore (adequate or inadequate) or the payment of the basic allowance for quarters.

In the words of Master Chief of the Navy, John Hagan, amending section 403(c)(2) is ''well past time for E–5 Sailors to get (this) benefit'' calling this shortcoming ''the most compelling inequity in our entire compensation system.''

This section also would amend 37 U.S.C. $403(c)(2) to remove the monetary penalty for joint military couples, below the pay grade of E–6, serving simultaneous shipboard duty. Currently, those military couples who serve onboard ships at the same time lose all of the entitlement to BAQ/VHA. Law would be amended to state that a couple's combined BAQ/VHA entitlement be equal to BAQ (with-dependents rate) or VHA (with-dependents rate) calculated for the senior member's pay grade only.

Section 604 would strike out paragraph (2) of section 203(c) of title 37. Section 203(c)(1) stipulates the specific rate of cadet and midshipmen pay as determined by the Congress. Paragraph (2) is inconsistent with the adjustment called for in the section. Making an adjustment under the seldom used section 1009 would result in a level of pay different than the exact rate specified by the Congress in section 203(c)(1). The inconsistent provision accordingly is recommended for deletion.

Subtitle B—Extension of Bonus and Special Pays

Section 605 would extend the authority to employ accession and retention incentives, ensuring that adequate manning is provided for hard-to-retain skills, including occupations that are arduous or that feature extremely high training costs (e.g. aviators, health care professionals, and incumbents of billets requiring nuclear qualification). Experience shows that retention in those skills would be unacceptably low without these incentives, which in turn would generate the substantially greater costs associated with recruiting and developing a replacement. The Department and the Congress have long recognized the cost-effectiveness of these incentives in supporting effective manning in these occupations.

Section 606 would extend the authority to employ recruiting and retention incentives to support effective manning in the Reserve Components, ensuring that adequate manning is provided for hard-to-retain skills. These bonuses also stimulate the flow of manning to undersubscribed Reserve units. Experience shows that retention in those skills, or in those units, would be unacceptably low without these incentives. The Department and the Congress have long recognized the cost-effectiveness of these incentives in supporting effective manning in such occupations and units.

Section 607 would extend the authority to employ accession and retention incentives to support manning for nurse billets that have been chronically undersubscribed. Experience shows that retention in the nursing field would be unacceptably low without these incentives, and the Department and Congress have long recognized the cost-effectiveness of these incentives in supporting effective manning levels within the nursing field.

Subtitle C—Travel and Transportation Allowances

Section 610 would amend title 37, United States Code, to authorize round-trip travel allowances for transporting motor vehicles at government expense. The bill amends section 406 (b)(1)(B)(i)(I) and 406 (b)(2)(B)(i)(II) of title 37, United States Code, to authorize round-trip travel allowances when a member transports a motor vehicle to and from the port, in conjunction with a permanent change of station move between OCONUS and CONUS locations. The provision also provides that the amendment made by section I shall take effect on July 1, 1997.

Section 611 would allow the Department of Defense to reimburse non-Federal civilians, who serve as school board members, for approved training and eliminate the disparate treatment of school board members serving pursuant to section 2164(d) of title 10, United States Code. Currently, only school board members are employees of the Armed Services of Federal Government are authorized reimbursement for approved training under both the Federal Training Act, title 5, United States Code, section 4109, and the Joint Federal Travel Regulations, Volume 2, Paragraph C 4502. Since non-Federal civilian board members cannot be reimbursed for training, they are not sent to training.

Section 612 modifies section 2634 of title 10, United States Code, by authorizing the Government-funded storage, in lieu of transportation, of a service member's motor vehicle when that service member is ordered to make a permanent change of station to a location which precludes entry of or requires extensive modification to the motor vehicle. Subsection (b) of the provision would modify section 406 of title 37, United States Code, to authorize the storage of a motor vehicle as provided for in section 1 of this bill. Subsection (c) would provide that the amendments would take effect on July 1, 1997.

Section 613 would repeal section 1589 of title 10, which prohibits the Department of Defense from paying a lodging expense to a civilian employee who does not use adequate available Government lodgings while on temporary duty. Although the purpose of section 1589 is to reduce the Department of Defense travel costs, the law can increase travel costs because it considers only lodging costs, not overall travel costs. Deleting the provision would enable Department of Defense travelers, supervisors and commanders to make more efficient lodgings decisions, with potential cost savings for the trip as a whole.

The title 10 provision (added in 1985 to codify similar provisions in the Department of Defense Appropriations Acts from 1977) prohibits payment of a lodging expense to civilian employees who don't use adequate available Government quarters. The Fiscal Year 1978 Committee Report on Department of Defense Appropriations (H. Rep. No. 95–451) notes that if employees on temporary duty at military installations for school, training and other work assignments were directed to use available Government quarters, ''many thousands of dollars could be saved.''

When a temporary duty trip involves business on and off-base, the cost-effective business decision, considering factors such as rental car costs, must be made on a case-by-

case basis. The current law allows no flexibility for the cost-conscious resource manager. To be reimbursed for lodging, the traveler must stay on-base whether it is efficient or not. Further, in temporary travel when team integrity is essential, the mission may preclude employees staying in available government lodgings. To maintain team integrity under current law when quarters are adequate for only the less senior members of the team, quarters must be determined ''not available'' for each member of the team, imposing an unnecessary administrative cost.

The Department is committed to improving the efficiency of the temporary duty travel system to enhance mission accomplishment, reduce costs, and improve customer service. The proposal would be a significant step in this direction.

Enactment of the legislative proposal will not cause an increase in the budgetary requirements of the Department.

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters

Section 615 would repeal the delay of the military retired pay Cost of Living Adjustment (COLA) that currently is scheduled for Fiscal Year 1998 and that prohibits payment of such increase for months before September 1998. This section also would repeal the conditional provision that provides that the Fiscal Year 1997 COLA will not be payable any later than the COLA for retired Federal civilian employees. Accordingly, under this section, the Fiscal Year 1998 military retired pay COLA will be payable for all months in which it is effective.

Section 616 amends section 1065(a) of title 10, United States Code, to give members of the Retired Reserve who would be eligible for retired pay but for the fact that they are under 60 years of age (gray area reservists) the same priority for use of morale, welfare, and recreation (MWR) facilities of the military services as members who retired after active-duty careers.

Currently, section 1065(a), enacted in 1990, gives the retired reservists the same priority as active-duty members. They, therefore, have preference over members who retired after serving on active duty for 20 years or more. This section amends the current section 1065(a) by revising the last sentence to correct this inequity.

Enactment of this section will not result in an increase in the budgetary requirements of the Department of Defense.

Section 617 amends subsection (d) of section 501 of title 37, United States Code, to authorize survivors of members of the uniformed services to receive a payment upon death of a member for all leave accrued. It would take effect on October 1, 1996.

Subtitle E—Other Matters

Section 620(a) amends section 1201 of title 10, United States Code; subsection 620(b) amends section 1202 of title 10; and subsection 620(c) amends section 1203 of title 10. The purpose of this amendment is to extend disability coverage for persons granted excess leave under section 502 of title 37, United States Code. Subsection (d) provides that this amendment will take effect on the date of its enactment.

The purpose of section 620 is to provide members of the United States Marine Corps who are participating in an educational program leading to designation as a judge advocate while in an excess leave status under section 502(b) of title 37 the disability benefits under sections 1201, 1202, and 1203 of title 10 that accrue to servicemembers who are entitled to basic pay. Servicemembers on active duty for 30 days or more are entitled to disability benefits under those sections of law only if disabled while entitled to basic pay. Except as provided in section 502(b) of title 37, an individual who is granted excess leave by the Secretary of the military department concerned under section 502(b) of that title is not entitled to basic pay as long as the member is in that status. If such an individual were to incur any disability while on excess leave, he or she would not be entitled to any of the benefits provided under the provisions of sections 2101, 1202, and 1203 of title 10.

Currently, the only members of the Department of Defense that would be affected by the proposed legislation are those enrolled in the Marine Corps Excess Leave (Law) Program. The U.S. Marine Corps has used this program as an accession source for judge advocates since 1967. Selected regular officers having between two and eight years of commissioned service are authorized by the Secretary of the Navy to be placed on excess leave under section 502(b) of title 37 for the purpose of obtaining a law degree from an accredited law school and designation as a Marine Corps judge advocate. While on excess leave, the officer receives no pay and allowances and must bear all costs associated with subsistence, housing, and tuition. However, the member may use the G.I. Bill and Veterans Educational Assistance Program (VEAP) to defray tuition costs. The U.S. Marine Corps now has twenty-three officers participating in the program and expects to assign an average of six to eight officers during each of the next five years. Officers incur a three-year active duty obligation upon designation as a Marine Corps judge advocate. Retention of these officers on active duty beyond that time is over ninety percent. Officers who fail to complete a law degree and are disenrolled from the program must serve a year on active duty for each year or portion of a year spend in excess leave. However, no one who was selected to participate in this program during the past nine years has been disenrolled.

Officers participating in the Excess Leave Program are still on active duty and maintain their precedence on the active-duty list. They must maintain the high standards expected of commissioned officers. Although no officer has ever been permanently or temporarily disabled while participating in the program, the possibility always exists that such an event may occur. Any officer who might become disabled while participating in this program should be protected in the same manner as members entitled to basic pay are protected as mentioned above.

Although the Excess Leave Program is the only program that now exists in the Department of Defense under the authority of section 502(b) of title 37, this provision of law permits the Secretaries of the military departments to grant excess leave to individuals who might participate in other educational programs. Accordingly, the proposed legislation would provide members of the armed forces enrolled in such programs the same disability benefits that it would provide members enrolled in the Excess Leave Program.

The category of individuals for whom the legislation is intended is clearly distinguishable from those individuals who are not entitled to disability benefits under sections 1201, 1202, and 1203 of title 10 because they are not entitled to basic pay for such reasons as court-martial sentence or placement on excess leave to await administrative discharge in lieu of trial by court-martial. Since an individual who would be protected by the legislation probably will serve a full career on active duty in the armed forces, enactment of the legislation would be in the best interests of both the individual and the Government.

Since the proposed legislation is intended to provide protection to individuals who might become disabled in the future, cost and budget data cannot be determined.

Section 621 would simplify, standardize, and facilitate the processing of orders under the Uniformed Services Former Spouses' Protection Act (10 U.S.C. §1408) and to ensure equitable treatment to all members and former spouses who are subject to the provisions of this law.

The section amends subsection 1408(b)(1)(A) of title 10, United States Code, to allow for service of court orders by facsimile or electronic transmission, ordinary mail, or by personal service. The current law requires personal service by certified or registered mail, return receipt requested. Deleting this requirement and providing for facsimile or electronic transmission will expedite processing of applications by reducing the number of applications that must be returned to the sender for the sole reason that it was not personally served or mailed by certified or registered mail, return receipt requested.

Subsection 1408(e) of title 10 is amended to clarify the jurisdictional requirements relative to court orders issued by states other than the state issuing the original court order and modifying or clarifying the original court orders on which payments under the Act were based. The amendment provides that the court must have jurisdiction over both the member and the former spouse under the same guidelines applicable to members under subsection (c)(4) of section 1408.

Subsection 1408(h)(10)(A) of title 10 is amended to provide an alternative method of determining retirement eligibility in cases where dependents are victims of abuse by members who lose their right to retired pay. The purpose of the amendment is to allow a former spouse, who may not qualify under the current provisions due to the member not yet being retirement eligible on the date the convening authority approves the sentence, to have the option of having the member's retirement eligibility determined at the later point of the member's discharge.

Section 622 would change section 1151, chapter 10 of title 10, United States Code. The changes would revise the legislation to make it more compatible with lessons learned from program implementation and operation. It would eliminate the restriction on providing a stipend to ''early retirees''. Full retirees are authorized to receive the stipend, but because the decision to offer early retirement came after Troops to Teachers legislation, they were inadvertently omitted as being eligible. It also aligns the obligation to teach for two years vice five years with the revised formula for reimbursement which goes from five years to two years. Finally, this proposal reduces the incentive grant from five years with a maximum of $50K to two years and a maximum of $25K.

Section 623. Section 37 USC 411b(a)(1) provides for travel and transportation expenses for members and their dependents who have been ordered to consecutive overseas tours for the purpose of taking consecutive overseas tour (COT) leave. These expenses are reimbursed for an amount not to exceed what it would cost the government to send the member to his/her home of record. This is an important quality of life benefit. It allows members the opportunity to visit relatives and loved ones near their home of record in the continental us before commencing an additional three year tour. This program has a very positive impact on members. It enhances retention, improves morale, and reduces the stress of long separations for members who are serving on the front lines in defense of their country. Few members could afford to make such a trip on their own. This

program also saves money because it reduces the number of overseas moves that the Government has to fund.

Section 37 USC 411b(a)(2) allows a member to defer this travel for up to one year. The one year limitation is beneficial under normal circumstances because it ensures that commanders cannot indefinitely postpone COT leave. However, this limitation becomes a problem for members participating in critical operational missions such as contingencies and humanitarian missions because commanders have the authority to deny leave for operational necessity. Currently, Service members participating in Operation Joint Endeavor will lose their COT leave due to the one year limitation on eligibility. This provision will cure this problem.

Also, with the increased number of contingencies and humanitarian missions that the Department has been conducting since the end of the ''Cold War'' and is expected to conduct in the future, this legislation will have a much broader and beneficial impact. Deferring the one year limitation while members participate in major operational missions will enhance morale, reduce overseas moving costs, and provide commanders with the flexibility they need to conduct major operational missions.

Enactment of the legislative proposal will not cause an increase in the budgetary requirements of the Department.

Section 624 would authorize the Secretary of Defense, in certain situations, to pay civilian personnel of the Department of Defense stationed outside the United States allowances and benefits comparable to those paid to members of the Foreign Service or other government agencies which routinely place personnel in foreign location assignments.

This section remedies an on-going problem experienced by DoD civilian personnel and their families when on overseas assignment. The issues addressed include: travel for medical care when no suitable facility exists to provide medical care at the duty location, travel of an attendant for the employee or family member who is too ill or too young to travel alone, rest and recuperation travel for employees and their families stationed at locations designated by the Secretary of State for such travel, round trip travel in emergency situations involving personal hardship. These benefits are detailed at title 22 U.S.C. §4081.

This provision also authorizes the Secretary to designate DoD employees stationed overseas as eligible for participation in the State Department health care program described at title 22 U.S.C. §4084.

The enactment of this Bill will affect the current administrative guidance contained in the State Department Foreign Affairs Manual (3 FAM 680 and 681.1). No judicial, executive or Administrative provisions would be overturned or affected by this change. Minor modifications may have to be made to the State Department Foreign Affairs Manual as stated above.

TITLE VII—HEALTH CARE PROVISIONS

Section 701 would revise the amendment made by section 731 of the National Defense Authorization Act for Fiscal Year 1996 to section 1079(h) of title 10, United States Code. The proposed revision is needed to permit health care providers who are not participating in the TRICARE network to be paid higher amounts than now permitted by section 1079(h) in the limited circumstances in which they might provide care to TRICARE Prime enrollees. This revision would have the important effect of protecting TRICARE Prime enrollees from ''balance billing'' by such providers. As is standard for Health Maintenance Organizations (HMOs), enrollees receive most care from network providers, but in limited circumstances receive covered services from nonparticipating providers (for example, emergency care). The proposed revision provides authority that would also apply in another limited circumstance: when enrollees are referred to a non-network provider in cases in which no network provider is available (for example, for specialties in limited supply in certain areas).

Section 702 would establish new alternatives in cases of members of the Health Professions Scholarship and Financial Assistance Program who do not or cannot complete their active duty service obligations. Under current law (10 U.S.C. 2123(e)), the only available alternative is ''assignment to a health professional shortage area designated by the Secretary of Health and Human Services.'' This alternative has never been used because neither DoD nor the Department of Health and Human Services has an effective mechanism to administer such an alternative obligation. Under the proposed section, there would be four options for alternative obligations for the member: (1) a reserve component assignment of a duration twice as long as the remaining active duty obligation; (2) service as a health professional civil service employee in a facility of the uniformed services; (3) transfer of the active duty service obligation to an equal obligation under the National Health Services Corps (similar to the probable intent of the current authority); or (4) repayment of a percentage of the total cost incurred by DoD under the program equal to the percentage of the member's total active duty service obligation being relieved, plus interest. Subsection (b) of the proposed provision would amend current law (10 U.S.C. 2114) to establish extended service in the Selected Reserve or as a civil service employee as alternatives to active duty service for graduates of the Uniformed Services University of the Health Sciences who do not or cannot complete their active duty service obligations.

Subsection (c) of the proposed section 703 would provide that the provision take effect with respect to individuals who first become members of the program or students of the University on or after October 1, 1996. Subsection (d) would provide for a transition under which, member already receiving (as of October 1, 1996) a scholarship or financial assistance or individuals who already are students of the University, or for those already serving an active duty obligation under the program or as a graduate of the University, the applicable alternative obligations would be available, but only with the agreement of the member.

Section 703 would facilitate a continuation of the long-standing practice of assignment of a number of Public Health Service (PHS) officers to duty in the Department of Defense (DoD). Such officers have served with distinction in DoD, including with the Office of the Assistant Secretary of Defense (Health Affairs) and the Joint Staff. However, tightening PHS officer end-strength limitations now jeopardize these arrangements. The provision would permit the exclusion from PHS end-strength limitation of the PHS officers assigned to DoD. This provision is modeled after 42 U.S.C. section 207(e), which excepts up to three flag officers assigned to DoD from the PHS flag officer limitation.

Section 704 would repeal section 1093 of title 10, United States Code, which prohibits using funds available to the Department of Defense to perform abortions except where the life of the mother would be endangered if the fetus were carried to term. This section also would repeal the provision enacted by section 738 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106, February 10, 1996) that generally prohibits prepaid abortions in overseas facilities.

Section 705 would replace section 1074a of title 10, United States Code, in order clarify the medical and dental care members of the Reserve are entitled to while in a duty status or traveling directly to and from their duty location. The amendment defines the entitlement to medical and dental care for Reserve component members in a specific military duty status and the authority to continue such care until the member is returned to full military duty, or if unable to return to military duty, the member is processed for disability separation in accordance with chapter 61 of title 10 U.S.C. It further clarifies that Reserve component members on active duty, active duty for training, annual training, full-time National Guard Duty or traveling directly to or from such duty may request continuation on Active duty while hospitalized and that all members receiving care are eligible to apply to receive pay and allowances in accordance with subsection 204 (g) and (h) of title 37 U.S.C.

Section 706 would amend sections 1074a, 1204 and 1481 of title 10, United States Code, and sections 204 and 206 of title 37, United States Code by providing reservists performing inactive duty training the same death and disability benefits as active duty members. Although previous authorization bills have corrected some of the inequities, there are still instances when a reservist is not covered for certain disability or death benefits if the occurrence happens after sign-out between successive training periods. This proposal would extend death and disability benefits to all reservists from the time they depart to perform authorized inactive duty training until the reservist returns from that duty. Reservists who return home between successive inactive duty training days would be covered portal to portal only.

TITLE VIII—ACQUISITION AND RELATED MATTERS

Section 801. Repeal of chapter 142 of title 10, United States Code, would end the requirement that the Department of Defense, through the Defense Logistics Agency, administer the Procurement Technical Assistance Cooperative Agreement Program. Currently, Procurement Technical Assistance centers are providing services to many of the same clients served by the Small Business Administration's Small Business Development Centers. This has occurred because Small Business Development Centers were offering procurement assistance to clients before the Defense Logistics Agency began the Procurement Technical Assistance Cooperative Agreement Program in 1985 and there is no restriction on awarding Procurement Technical Assistance Cooperative Agreement Program funding to Small Business Development Centers. Since 1985, the Procurement Technical Assistance Cooperative Agreement Program has evolved from a Department of Defense-only program to one that encourages Procurement Technical Assistance centers to assist businesses desiring knowledge on the methods for selling to any federal, state or local government agency, which is clearly a Small Business Development Center function. As a result, the Defense Logistics Agency has incurred staffing costs to award and administer cooperative agreements for a service that is already, or could easily be, provided and managed by the existing Small Business Development Center organization of more than 900 offices operating in all 50 states.

A key goal of the Federal Acquisition Streamlining Act of 1994 and other acquisition reform initiatives is to resolve the differences between Department of Defense acquisition procedures and other federal agency procedures and commercial procedures.

At this time, the descriptions of Procurement Technical Assistance Cooperative Agreement Program functions are essentially the same as procurement-related Small Business Development Center functions. If the Small Business Administration is funded by Congress, the programs may be merged and acquisition streamlining may be achieved without a loss of services to businesses in need of assistance or advice on marketing of their services. Additionally, cost savings would be realized due to the decreased administrative and oversight costs.

The Department of Defense Inspector General is scheduled to issue a report which will recommend that program responsibility for the Procurement Technical Assistance Cooperative Agreement Program be moved from the Department of Defense to the Small Business Administration. This report will also recommend that Congress not fund the Defense Logistics Agency for administration of the Procurement Technical Assistance Cooperative Agreement program, but instead, add sufficient funding to the Small Business Administration's budget to ensure that continuation of procurement assistance at Small Business Development Centers in all 50 states and the District of Columbia, especially in counties with high rates of unemployment.

We have conferred with the Director of Small and Disadvantaged Business Utilization, who strongly supports this initiative. He has discussed the issues with and received favorable reaction from appropriate officials within the Small Business Administration.

Section 802 clarifies the authority for requestioning and lease of General Services Administration motor vehicles for use in the training and administration of the National Guard. The United States property and Fiscal Officer for each state or other jurisdiction would be identified as the requisitioning authority for leasing vehicles to be furnished to the state National Guard. Such use of GSA vehicles has been made for many years. This provision would provide a clear statutory basis for this practice.

Section 803 would conform the period established for mentors to provide developmental assistance under the program to the revised period established for new admissions into the program.

Section 824 of the FY 1996 Defense Authorization Act provided a one year extension to the period for eligible businesses under the Mentor-Protégé Program to enter into new agreements. This was the second extension to the entry period, a prior one year extension having been provided in the FY 1994 Defense Authorization Act. The current ending date for entry into the program is 30 September 1996.

While the period for entry into the program has been extended, no similar revision has been made to the date established for ending the period during which mentors may incur costs furnishing developmental assistance under the program, currently also 30 September 1996. For the objectives of entry period extensions to be met, a conforming two year revision to the period authorized for mentors to incur costs is also required. This revision is needed to allow for the establishment and execution of meaningful agreements between the potential mentors and proteges. Likewise, without this revision, the extension of the period for entry into the program is of little value to potential mentor-protégé agreements, if the period of time the mentor can incur costs is also not extended.

The Department has budgeted and allocated $30 million to spend on costs incurred through September 30, 1996, but the full amount of these costs will not be incurred until September 30, 1998. The costs incurred by this initiative will not exceed the amount already allocated.

Section 804 would extend the authority to enter into prototype projects under section 845 until September 30, 1999. It would expand use of the authority to the Military Departments and other defense components designated by the Secretary of Defense. It would authorize the Secretary of Defense to determine procedures for determining whether to conduct a follow-on production program to a prototype project and prescribe the acquisition procedures applicable to such follow-on acquisition. It would clarify that use of this authority is for the conduct of acquisition experiments and vest maximum flexibility in the component exercising the authority. These changes do not authorize any new programs but impact the procedures under which approved prototype projects and follow-on acquisition programs may be executed. While the flexibility provided by these programs may result in budget savings they cannot be determined at this time.

Section 805 would repeal the Congressional reporting requirements applicable to agreements entered into under the authority of section 2371, title 10, United States Code. Section 2371 is reorganized by removing authority concerning cooperative research and development agreements entered into by federally funded research and development centers and reenacting such authority in a separate section. Business and technical information submitted to the Department on a confidential basis in order to obtain or perform a cooperative agreement or other transaction will be exempted from public disclosure for five years. Deletion of the reporting requirement will result in a small but undetermined budgetary savings.

Section 806 would correct a technical flaw in the law that prevents payment of valid contractor invoices properly chargeable to line-item appropriations canceled by the Account Closing Law when the Corresponding line-item is discontinued in subsequent current appropriations acts. For example, the Department currently lacks the legal authority to pay such invoices incurred for the FFG ship program because of the line-item nature of the Shipbuilding and Conversion, Navy (SCN) account and the absence of a current FFG line item. Existing law at 31 U.S.C. 1553 (b)(1) states;

''. . . after the closing of an account under section 1552(a) of 1555 of this title, obligations and adjustments to obligations that would have been properly chargeable to that account, both as to purpose and in amount, before closing and that are not otherwise chargeable to any current appropriation account of the agency may be charged to *any current appropriation account of the agency available for the same purpose.*'' (Emphasis added)

For line-item appropriation accounts like SCN, this means that payments from a canceled account may only be charged to the corresponding ship line-item account currently available for new obligations. If a current shipbuilding program no longer exists, there is no longer a source of funds ''available for the same purpose.''

Section 807 restates the policy of 10 U.S.C. 2462 to rely on the private sector for supplies and services necessary to accomplish the functions of the Department of Defense. The provision authorizes the Secretary of Defense, notwithstanding any provision of title 10, United States Code, or any statute authorizing appropriations for or making appropriations for, the Department of Defense, to acquire by contract from the private sector or any non-federal government entities, commercial or industrial type supplies and services to accomplish the authorized functions of the Department. The Secretary shall use the procurement procedures of chapter 137 of title 10, United States Code, in carrying out this authority, but in the procurement of such supplies and services the Secretary may limit the place of performance to the location where such supplies or services are being provided by federal government personnel. This proposal would overcome existing statutory encumbrances on privatization. It also would facilitate privatization in place, thereby reducing the impact on affected federal government employees.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—General Matters

Section 901 is a technical amendment to reflect the proper title of the United States Element, North American Aerospace Defense Command. It is consistent with the 1991 amendment to section 166a(f) of title 10, United States Code. Subsection (a) of the amended provision states the name of the command as the North American Air Defense Command in each of its three paragraphs. It is noted once in each paragraph. If enacted, the proposal will not increase the budgetary requirements of the Department of Defense.

Section 902 would amend section 172(a) of title 10, United States Code, to permit qualified civilian employees of the Federal government to serve as board members on the ammunition storage board which is currently named the Department of Defense Explosives Safety Board. Section 172(a) currently limits the board membership to ''officers'' who, in accordance with the definition set forth in section 101(b)(1), must be commissioned or warrant officers and not civilian employees. This limitation restricts the Secretaries of the military departments from selecting the most qualified person available to represent their departments. In the area of explosive safety, expertise and corporate continuity invariably reside in Department of Defense civilian personnel. To ensure the Secretaries of the military departments have the flexibility to be represented by the most qualified professional available, the option to select civilian board members is imperative.

Section 903 would remove the Secretary of the Army from membership on the Foreign Trade Zone Board. The Department of the Army has been involved in the Foreign Trade Zone Board since passage of the Foreign Trade Zone Act in 1934. At that time, most import-export trade was through waterborne commerce, and, because of the Corps of Engineers navigation role in harbor development, the Secretary of the Army was made a member of the Board.

Although there may have been good rationale for Army involvement in 1934, the nature of the zone activities has since changed. More frequently, foreign trade zones (FTZ) are being established away from deep water ports in favor of land border crossings and airports. In addition, current FTZ issues usually involve trade policy, customs collection, competition among domestic industries, and the impact of proposed zones on existing businesses, rather than matters of interest to the Corps of Engineers, such as engineering, construction, and environmental impacts.

While this proposal would minimize involvement of the Department of the Army and the Corps in routine FTZ activities, the Corps would still be available to lend its expertise in engineering, construction, and environmental related issues on a case-by-case basis.

Subtitle B—Financial Management

Section 910 would modify the authorization and appropriation of the Environmental Restoration, Defense Account. As proposed, the

legislation would change the existing authorization of one central transfer account by providing additional transfer accounts for each of the Military Departments. The legislation would also provide for the direct appropriation of Environmental Restoration funds into these newly established transfer accounts.

The proposed legislation is required to implement the Department's decision to devolve the Environmental Restoration Program to the Military Departments. Devolving the account to the Military Departments will involve them more directly in validating the cleanup efforts and balancing the cleanup program with other military requirements in the budget preparation.

Section 911 would amend chapter 31 of title 10, United States Code, to authorize the expenditure of appropriated funds to provide small meals and snacks at recruiting functions for members of the Delayed Entry Program, others who are the subject of recruiting efforts for the reserve components, influential persons in communities who assist the military departments in their recruiting efforts, military and civilian personnel whose attendance at such functions is mandatory, and other persons whose presence at such functions will contribute to recruiting efforts. The primary persons who will attend recruiting functions where small meals and snacks will be provided are persons in the Delayed Entry Program and reserve component recruiting programs. The authority will be used sparingly and the cost is neglegible. These recruiting functions result in more motivated recruits, decreased attrition in the programs while recruits finish school, and referral sources for future recruits.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Section 1002. Section 2608 of title 10, United States Code, (the Defense Cooperation Account) currently authorizes the acceptance of contribution of money and real or personal property for any defense purpose. The amendment would allow the United States to accept housing or other services on the same basis that real or personal property now can be accepted.

Section 1003 would amend section 101(b) of the Sikes Act (16 U.S.C. 670a) to authorize the transfer of fees collected on a military installation for hunting and fishing permits. Under the Act, the Secretary of Defense is authorized to carry out a program involving wildlife, fish, game conservation and rehabilitation for each military reservation in accordance with a cooperative plan mutually agreed upon by the Secretary of Defense, the Secretary of Interior, and the appropriate state agency. The plan may authorize commanding officers of reservations to act as agents of the state concerning and collect fees for state hunting and fishing permits. The fees would be retained locally and used only for conservation and rehabilitation programs agreed to under the plan. Subsection (b)(4)(B) of the Sikes Act provides that the fees collected may not be expended except for the installation on which the fees were collected. Many military installations are now being closed and the Act does not address the disposition of fees that have been collected for these installations. This section would authorize the transfer of those fees to another open installation for the conservation and rehabilitation purposes expressed in the Act. The section would impact on Treasury receipts. The funds are modest but valuable on individual military installations.

Section 1004 would amend section 3342 of title 31, United States Code, to allow DoD disbursing officials to cash checks for U.S. Federal credit unions operating at DoD invitation in foreign countries where contractor-operated military banking facilities are not available.

Italy and Spain historically have not permitted U.S. military banking facilities to operate within their borders. Although certain U.S.-chartered Federal credit unions have been allowed to operate branches in those countries at the invitation of the DoD, often they have obtained operating cash through DoD disbursing officials. That practice must be discontinued because it has been determined to be beyond the scope of the disbursing official's authority under title 31 of the United States Code.

U.S.-chartered Federal Credit union branches in Italy and Spain currently provide the most comprehensive and accessible U.S.-style retail financial services for military installations in those countries. Without these credit unions, military and civilian personnel assigned in Italy and Spain might be denied U.S.-style retain financial services. Accordingly, this is a significant and urgent quality-of-life issue. Although title 31 currently authorizes disbursing officials to cash checks and provide exchange services for Government personnel, those services do not approach the range of services the credit unions can provide. Furthermore, Service resources already are stretched to such an extent that generally it is not feasible to devote disbursing officials to the enormous task of cashing checks for individuals. It is more efficient simply to sell cash to the credit unions and allow them to provide retail financial services.

This amendment is of equal import to each of the services in order to maintain accessible banking services on all installations overseas.

Section 1005. Subsection (a) of this section amends section 204(b)(4) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526, as amended; 10 U.S.C. 2687 note) by replacing the reserve account established in the United States Treasury with the Commissary Surcharge Fund or a Department of Defense nonappropriated fund account designated by the Secretary of Defense, as applicable. It also eliminates the requirement for an advance appropriation before funds placed in this account are expended.

Subsection (b) of this section makes conforming amendments to section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510, as amended; 10 U.S.C. 2687 note).

Subsection (c) of this section makes conforming amendments to section 2921 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510, as amended; 10 U.S.C. 2678 note).

Subsection (d) of this section defines the term ''proceeds'' to be consistent with the amount currently available for expenditure for the Base Closure and Realignment account without further appropriations action.

Subtitle B—Civilian Personnel

Section 1010 would amend section 1595(c) of Title 10, United States Code, to add a new paragraph (4) to include the English Language Center of the Defense Language Institute. This would have the effect of correcting an earlier omission (the English Language Center should have been added with the Foreign Language Center) and allowing the Secretary of Defense to employ civilians and prescribe faculty compensation. The English Language Center currently is severely restricted in classifying job positions and providing appropriate faculty compensation. This is having an adverse impact upon our ability to recruit, develop and retain English-as-a-second-language instructors in fulfillment of the DoD security assistance mission, to include the key English language training component of the Partnership for Peace program. By revising the authority of section 1595, the English Language Center will be allowed, as the Foreign Language Center, National Defense University, and George Marshall Center currently are allowed, to establish a personnel system that truly meets their need to establish job series that correspond with their mission and to compensate faculty accordingly.

There are no cost implications with this amendment.

Section 1011 would amend section 1595, title 10, United States Code, to authorize the Asia-Pacific Center for Security Studies to employ and compensate its civilian faculty, including the Director and Deputy Director.

The proposal would authorize the Secretary of the Defense to appoint, administer and compensate the civilian faculty of the Asia-Pacific Center for Security Studies. The National Defense University (10 U.S.C. 1595), United States Naval Academy (10 U.S.C. 6952), the United States Military Academy (10 U.S.C. 4331), the United States Air Force Academy (10 U.S.C. 9331), the Naval Postgraduate School (10 U.S.C. 7044), the Naval War College (10 U.S.C. 7478), the Army War College (10 U.S.C. 4021), the Air University (10 U.S.C. 9021) and the George C. Marshall European Center for Security Studies (10 U.S.C. 1595) have such authority for their civilian faculty.

The Asia-Pacific Center for Security Studies is a new institution chartered by the Secretary of Defense to be under the authority, direction and control of the Commander in Chief, U.S. Pacific Command. The center's mission is to facilitate broader understanding of the U.S. military, diplomatic, and economic roles in the Pacific and its military and economic relations with its allies and adversaries in the region. The center will offer advanced study and training in civil-military relations, democratic institution and nation building, and related courses to members of the U.S. military and military members of other Pacific nations. The mission of this critically important and innovative center will require first-rate faculty and scholars with international reputations.

Under current legislation and authority available to the Commander in Chief, U.S. Pacific Command, civilian faculty for the Asia-Pacific Center for Security Studies must be appointed, administered and compensated under title 5, United States Code. This means the faculty must be classified under the General Schedule (GS) and recruitment and compensation must be limited to GS grade, occupational series, and pay rates. However, the GS grading system does not meet the needs of the traditional academic ranking system wherein faculty members earn and hold rank based on educational accomplishment, experience, stature and other related academic and professional endeavors. The GS grading system also does not allow the center to hire non-U.S. citizen academics from international institutions. Legislation is required for the Commander in Chief, U.S. Pacific Command to utilize title 10 excepted service authority to appoint, administer and compensate the center's civilian faculty.

Section 1595, title 10, United States Code provides for employment and compensation of civilian faculty at certain Department of Defense schools. There is no provision for civilian faculty of the Asia-Pacific Center for Security Studies.

The proposed legislation provides excepted service authority for appointing, administering and compensating the civilian faculty of the Asia-Pacific Center for Security Studies.

Enactment of this legislation will not increase the budgetary requirements of the Department of Defense.

Section 1012. Currently, article 143(c) of the Uniform Code of Military Justice (10 U.S.C.

943(c)) authorizes the United States Court of Appeals of the Armed Forces to make excepted service appointments to attorney positions in the same manner as appointments are made to other executive branch positions of a confidential or policy-determining character. This proposal would extend the authority to cover appointments to non-attorney positions established in a judge's chambers which presently are made under the Schedule C, excepted service authority of 5 C.F.R. 213.3301 for positions of a confidential or policy-determining character. This would consolidate the court's appointing authorities and eliminate the administrative efforts currently required to obtain U.S. Office of Personnel Management approval for any new or changed position in a judge's chambers. As a note, Schedule C authority is automatically revoked upon vacancy, thereby requiring approval of both the position establishment and appointment.

Under this proposal, the United States Court of Appeals for the Armed Forces could make appointments to attorney positions established in the court and to non-attorney positions established in a judge's chambers. The non-attorney positions established in a judge's chambers would include such positions as personal and confidential assistant, secretary, paralegal, and law student intern which provide direct, confidential support to a judge These positions are relatively small in number (i.e., typically would not include other non-attorney positions outside a judge's chambers for which employment in the competitive service remains appropriate. The proposal is cost neutral since the administrative paperwork in terms of the number of positions envisioned is not significant; however, a more timely and streamlined process will result.

Section 1013. Section 1032 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 429) requires the Secretary of Defense to convert 10,000 military positions within the Department of Defense to civilian positions. A military position is one noted as being authorized to be filled by a member of the Armed Forces on active duty.

The Secretary of Defense is cognizant of his management requirements and of the costs of military personnel *vis a vis* civilian personnel. Because of the unique activities and operations of the Department of Defense, many positions require the skills, experience, and knowledge of members of the Armed Forces. The Department has an optimum balance of military and civilian manpower in its current structure, and any non-programmatic numerical adjustment will only serve to upset that balance.

Subtitle Miscellaneous Reporting Requirements

Section 1020 would amend Section 10541(b)(5)(A) of Title 10, United States Code, to delete the requirement to break out the full war-time requirement of each item of equipment over successive 30-day periods following mobilization. The requirement to show the full war-time requirement and inventories of each item of equipment will remain in law. Under current war planning methodology to respond to multiple major regional contingencies, a fixed approach employing 30-day increments is no longer applicable. In the post-Cold War environment, the requirement for flexible design and employment of responses renders rigid 30-day increment planning out of date.

Section 1021. The purpose of the proposed legislation is to amend the statutory requirement for an Annual Report on Strategic Defense Initiative (SDI) programs to reflect the current Ballistic Missile Defense (BMD) mission.

The Annual Report to Congress provides congressional committees with an assessment of the progress of the Ballistic Missile Defense Organization (BMDO) in fielding a ballistic missile defense and a road map that BMDO intends to follow for the future. The statutory provision, which prescribes an Annual Report, requires the BMDO to report on actions that are no longer pertinent to the direction of the BMD program and the current world situation. This proposed legislation would amend those requirements to reflect the current mission of BMDO.

Sections 224(b)(3) and 224(b)(4) require that the Annual Report to Congress detail objectives for the planned deployment phases and the relationships of the programs and projects to the deployment phases. The deployment phases were germane when the SDI was developing a system to be fielded in phases, with each phase (after phase 1), designed to offset expected Soviet countermeasure and add to U.S. ballistic missile defensive capabilities. The current focus of the BMDO program is to field improve theater missile defense systems and maintain a technology readiness program for contingency fielding of a national missile defense. The concept of phased additions to offset Soviet countermeasures and provide large incremental improvements to U.S. ballistic missile defense capabilities no longer exists.

Section 224(b)(7) requires an assessment of the possible Soviet countermeasures to the SDI programs. With the demise of the Soviet Union and the shift in focus of the BMD program to fielding theater missile defense systems, this requirement is no longer applicable.

Section 224(b)(9) and 224(b)(10) require details on the applicability of SDI technologies to other military missions. The missions addressed have largely become the primary focus of BMDO and reporting how SDI technologies could be applied to other military missions is no longer relevant. These two subparagraphs should be repealed, as they are redundant with reporting the status of today's BMD.

Enactment of the proposed legislation will not result in any increase in budgetary requirements. Our analysis of the costs incurred and the benefits derived is that this legislation is budget neutral.

Section 1022 would repeal the requirement at 10 U.S.C. 2706(c) for the Department to submit an annual report to Congress on its reimbursement of environmental response action costs for the top 100 defense contractors, as well as on the amount and status of any pending requests for such reimbursement by those same firms.

The Department recommends repeal of this statutory reporting requirement because the data collected are not necessary, or even helpful, for properly determining the allowableness of environmental response action costs on Government contracts. Moreover, the Department does not routinely collect data on any other categories of contractor overhead costs. As a minimum, if repeal is not feasible, the law should be amended to limit data collection to the top 20 defense contractors, which would still capture most environmental response action cost reimbursements by DoD.

This reporting requirement is very burdensome on both DoD and contractors, diverting limited resources for data collection efforts that do not benefit the procurement process. Not only are there 100 different firms involved, but for most of these contractors, data must be collected for multiple locations in order to get an accurate company-wide total. Contractor personnel at these numerous locations must collect the required data (which is not normally categorized in this fashion in contractor accounting systems); the cognizant DoD administrative contracting officers must request, review, assemble, and forward these data through their respective chains of command; the Defense Contract Audit Agency must validate the data submitted; and the Secretary of Defense's staff must consolidate this large amount of data into the summary report provided to Congress. We estimate that more than 20,000 hours of contractor and DoD effort were required to prepare the Department's February 6, 1995 report.

In addition, the summary data provided to Congress in the February 6, 1995 report did not show large amounts of contractor environmental response action costs being reimbursed on DoD contracts. For overhead rate proposals settled in FY93, the DoD share of such costs was approximately $6 million for that year's top 100 defense contractors; while for FY94 settlements, the comparable figure was approximately $23.6 million—with $17.9 million of that being attributable to the settlement of a single long-standing, multi year dispute at one contractor location.

Section 1023 would repeal the requirement at 10 U.S.C. 2391 note (Section 4101 of Public Law 101–510) that the heads of appropriate Federal agencies promptly notify the appropriate official or other person or party that may be substantially and seriously affected as a result of defense downsizing.

This provision requires that notices be sent to a long list of officials, persons or other parties if: (1) the annual budget of the President submitted to Congress, or long-term guidance documents, or (2) public announcements of base or facility closures or realignments, or (3) cancellation or curtailment of a major contract will have a serious and substantial affect. Determining every community, business and union that may be significantly adversely affected by any of these actions is almost impossible to accomplish. The information does not exist to determine every city, county, state, company and union that may be significantly adversely affected by any action taken under one of the three categories listed in the law. In addition, recipients may be unnecessarily confused by potentially incorrect notices because the budget of the Department that is passed by the Congress is very different from the budget that the President submits. Also, the Department can not predict the actions that every company or community may take in response to Congressional funding decisions. One budget action may have offsetting affects of another budget action and only the community or the company will be able to determine a best course of action. The decision not to fund military construction in one community versus another may have an adverse employment affect. Attempting to make these determinations means that some notices may be sent incorrectly for events that never happen and some places and groups will be left out—both events causing considerable unnecessary stress and disruption to the cities, towns, companies, families and individuals that receive them. The intent to provide places and people with advance notice and information about Defense-prompted employment declines can not be accomplished fairly and equitably by this requirement and therefore, should be repealed.

This section would also repeal the notification requirement (section 4201 of Public Law 101–510) that the Secretary of Defense provide the Secretary of Labor information on any proposed installation closure or substantial reduction, any proposed cancellation of or reduction in any contract for the production of goods or services for the Department of Defense if the proposed cancellation, closure, or reduction will have a substantial impact on employment. The current requirement is that large prime or subcontractors

notify the Department of Defense whenever a downsizing action of the Department will have a substantial and serious adverse employment impact. This is a burden to the Department and its contractors.

Since the requirement to implement this provision has been in place in the Federal Acquisition Regulations in 1992, there have been only four notifications made by contractors. The requirements of the law are confusing, overlapping, and narrowly defined. Many worker reductions are not in response to Department of Defense actions but rather are as a result of the overall downsizing of the defense industry. Many contractors have multiple contracts with the Department of Defense. Although some contracts may be canceled, others may be increasing thereby offsetting the adverse affects of a particular cancellation. Only the company can make the decisions about necessary work force requirements. Such decisions often are not tied to a specific action such as a particular cancellation. The statutory requirement is not resulting in the advance notice requirements being made regarding layoffs.

Subtitle D—Matters Relating to Other Nations

Section 1025 would change section 401 of title 10, United States Code, to authorize the Department of Defense to:

To use funds appropriated for Overseas Humanitarian, Disaster, and Civic Aid to cover the costs of travel, transportation and subsistence expenses of personnel participating in such activities and to procure equipment, supplies and services in support of or in connection with such activities.

To transfer to foreign countries or other organizations equipment, supplies, and services for carrying out or supporting such activities.

Such changes would allow the Department of Defense to continue to carry out its humanitarian demining program, one of the unified commanders' most visible and cost-effective peacetime activities. The program is particularly important given the worldwide attention that has been focused on landmines and the need to remedy their effect on civilian populations in affected countries.

Subtitle E—Other Matters

Section 1030. The Department strongly supports the policy objectives of Chapter 148, National Defense Technology and Industrial Base, Defense Reinvestment, and Defense Conversion. As noted in Industrial Capabilities for Defense, forwarded to Congress on September 29, 1994, the Department has initiated a coordinated effort to identify and analyze industrial concerns, and ensure technology and industrial issues are effectively integrated into its key budget, acquisition, and logistics processes. However, the Department believes that the objectives of Chapter 148 would best be met by performing the analyses and establishing only the organizations necessary to support the Department's key budget, acquisition, and logistics processes. Therefore, the Department is proposing the following changes.

Subsection (a) amends section 2502 of title 10 by revising the responsibilities of the National Defense Technology and Industrial Base Council (NDTIBC) to conform to our proposed amendments to section 2505 below.

Subsection (b) amends section 2503 of title 10 by deleting various references to the National Defense Technology and Industrial Base Council and section 2506 periodic plans; (2) deleting subsections (a)(2), (a)(3) and (a)(4) dealing with administration of the National Defense Program for Analysis of the Technology and Industrial Base and coordination requirements; and (3) deleting subsection (b) dealing with supervision of the program.

Subsection (c) amends section 2505 of title 10, establishing specific requirements for Department of Defense technology and industrial capability assessments. In particular, it requires the Secretary of Defense to prepare selected assessments through fiscal year 1998 to attain national security requirements, and describes the scope of the required assessments. This subsection also requires that such assessments be fully integrated into the Department's resource planning guidance.

Subsection (d) amends section 2506 of title 10 to substitute revised language which requires the Secretary of Defense to issue guidance to achieve national security requirements. It also requires Departmental senior-level oversight to ensure technological and industrial issues are integrated into key budget decisions. Finally, it requires a Department report to Congress on its implementation of industrial base policy.

Subsection (e) adds a new section 2508 to title 10 which requires an annual report to Congress, for 2 years commencing March 1997 to enable Congress to monitor technology and industrial issues. The report would include descriptions of the Department's policy guidance, the methods and analysis used to address technological and industrial concerns, and assessments used to develop the Department of Defense's annual budget; it would also identify any programs designed to sustain essential technology.

Subsection (f) amends section 2514 of title 10 to remove the requirement for the Secretary of Defense to coordinate the program to encourage diversification of defense laboratories with the National Defense Technology and Industrial Base Council.

Subsection (g) amends section 2516 of title 10 to place the responsibility with the Secretary of Defense for establishing the Military-Civilian Integration and Technology Advisory Board.

Subsection (h) amends section 2521 of title 10 by removing subsection (b) which refers to the relationship of the National Defense Manufacturing Technology Program to the National Defense Technology and Industrial Base Plan.

Subsection (i) makes conforming repeals of sections 4218, 4219, and 4220 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2315).

Subsection (j) makes clerical amendments.

Section 1031 would amend Title II, Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act of 1988 (Title II of Public Law 100–526, U.S.C. 2687 note), as amended by Title XXIX of the National Defense Authorization Act for Fiscal Year 1994, Public Law 103–160 by restoring inadvertently eliminated provisions of then-subparagraph (3), which in considerably more extended language provided the Defense Department the basic authority for inter Service and similar transfers of real and personal property. The 1994 deletion from the 1988 Act was an inadvertent technical legislative drafting error.

Section 1032. A primate research complex has existed at Holloman Air Force Base for several decades. It originated as an Air Force laboratory supporting the named space program which is what generated the requirement for chimpanzees. It was later operated under contract. The complex consists of a number of buildings and facilities located generally on two separate but relatively close sites on the base. The main structure and the center of the complex is the recently completed facility constructed with $10,000,000.00 in federal grant money provided through the General Services Administration. Virtually all the chimpanzees are housed in the new facility. Because the facility is only a few years old, and because there is no other available facility to house the Air Force owned chimpanzees, it is impractical to remove the laboratory from the base at this time.

The Air Force has not had a requirement for its chimpanzees for at least two decades but has had no significant expenses in maintaining them because they were maintained by the operating contractor at no cost to the Air Force. The contractor used them for scientific and medical research and as part of the National Institutes of Health breeding program for chimpanzees. The breeding program is responsible for the growth in the Air Force owned population over the years.

The current lease provides that any chimpanzees born to Air Force owned animals will become the property of the lessee, not the Air Force. Consequently the Air Force population will not grow; however, the long life of chimpanzees will guarantee the colony will survive for decades to come. The legislation will remove a substantial liability to the Government. The chimpanzees, because of their general age and past use in research, have no significant value as a colony. Estimates the Air Force has received indicate that the only alternative to continuing their current use is to retire them presumably at Government expense. The cost of such retirement has been estimated from tens of millions of dollars up to $100,000,000.00. Nevertheless, if a qualified and capable offeror is willing to assume the care and maintenance of the chimpanzees and the facilities, at no cost to the Air Force, there is no reason to refuse such an entity the option to compete for the facilities and chimpanzees.

Subsection (a) of this section authorizes the Secretary of the Air Force, on a competitive basis and without regard to the requirements of the Federal Property and Administrative Services Act of 1949, to dispose of, at not cost, all interests the Government has in the primate research complex and Air Force owned chimpanzees located at or managed from Holloman Air Force Base. The underlying real property is excluded from transfer. The laboratory was largely built with Government grant funds. The current lessee and operator of the laboratory is the Coulston, Foundation, a not-for-profit entity. The laboratory's location within the Base makes it impractical to create a privately owned enclave inside the Base boundaries by excessing the underlying real property.

Subsection (b) conditions the conveyance by requiring the recipient to utilize the chimpanzees for scientific research, medical research, or retirement of the chimpanzees and provide adequate care for the chimpanzees. The Air Force owned chimpanzees were originally obtained and later bred for scientific and medical research and the new facility was funded for continuation of these purposes.

Subsection (c) provides standard language for a survey to establish the legal description of the property conveyed.

Subsection (d) provides the standard language that the Secretary may require such additional terms as necessary to protect the interests of the United States.

Section 1033 would amend section 172 of the National Defense Authorization Act for Fiscal Year 1993. Section 172 requires the Secretary of the Army to establish a Chemical Demilitarization Citizens Advisory Commission for each State in which there is a low-volume chemical weapons storage site and for any State with a chemical storage site other than a low-volume site, if the establishment of such a commission is requested by the Governor of the State. The Secretary must provide a representative to meet with the commissions to receive citizen and State concerns regarding the Army's program to dispose of lethal chemical agents and munitions.

Currently, section 172 requires the representatives to be from the Office of the Assistant Secretary of the Army (Installations, Logistics and Environment). However, that office no longer has the responsibility for this program. That amendment will allow the Secretary of the Army to designate the representative to meet with the commissions from the office with current responsibility for the program, the Office of the Assistant Secretary of the Army (Research, Development and Acquisition).

Section 1034 would amend section 172 of the National Defense Authorization Act for Fiscal Year 1993. Section 172 requires the Secretary of the Army to establish a Chemical Demilitarization Citizens Advisory Commission for each State in which there is a low-volume chemical weapons storage site and for any State with a chemical weapons storage site other than a low-volume site, if the establishment of such a commission is requested by the Governor of the State. The Secretary must provide a representative to meet with the commissions to receive citizen and State concerns regarding the Army's program to dispose of lethal chemical agents and munitions.

Currently, section 172 requires the representative to be from the Office of the Assistant Secretary of the Army (Installations, Logistics and Environment). However, that office no longer has the responsibility for this program. This amendment will allow the Secretary of the Army to designate the representative to meet with the commissions from the office with current responsibility for the program, the Office of the Assistant Secretary of the Army (Research, Development and Acquisition).

Section 1035 would amend section 1044a of title 10, United States Code, to authorize all judge advocates of the Armed Forces, adjutants, assistant adjutants, and personnel adjutants, and all other members of the Armed Forces designated by regulations of the Armed Forces, to include members of the Coast Guard, to have the same notary public authority without regard to whether they are on active duty or performing inactive duty for training. All law specialists of the Coast Guard are lawyers. Under the current law, National Guard judge advocates and other otherwise authorized personnel do not have the general powers of a notary public while serving on annual training or on Active Guard and Reserve duty in a full-time National Guard duty status, nor do National Guard and Reserve judge advocates, adjutants, and others have such powers when not in a formal duty status. This amendment would authorize such powers regardless of duty status.

Reserve and National Guard judge advocates and Coast Guard law specialists are asked to perform notarial acts, both on and off duty, and to assist members of the Guard and reserves in preparing for mobilization and deployment. These judge advocates and law specialists are often in a position to prepare and execute Powers of Attorney and Wills at their private offices or at the command where the soldier is located, which may be distant from a military facility. Under the present statute they may not do so unless on active duty or performing inactive-duty for training.

Under the present law, civilians question the notary authority and request verification of duty status in order to assure compliance with section 1044a before accepting the Power of Attorney or other notarized document. The service member often has no way of reasonably discovering the whereabouts of the judge advocate or law specialist and cannot provide such information, resulting in rejection of the document. This proposal will bring uniformity and flexibility among the services in this area and be less confusing to the civilian community. It will eliminate litigation, especially in cases involving wills.

Subsection (b) would ratify notarial acts performed prior to the date of enactment of this section by persons authorized notarial powers under this amendment, provided such acts have not been challenged or negated in a formal proceeding prior to the date of enactment.

Section 1036 would shift the office of primary responsibility for all systems of transportation during time of war from the Secretaries of the Army and the Air Force to the Secretary of Defense. Such a change is in keeping with the integration of transportation systems in the commercial sector to intermodal methods of shipment. DoD, for efficiency purposes, has established a single manager for transportation, the United States Transportation Command. Activation of the Civil Reserve Fleet in time of war is from the President to the Secretary of Defense to the Commander, United States Transportation Command. The need for the Army or the Air Force independently to assume control of transportation systems for its members, munitions, and equipment, especially to the exclusion of the other services can no longer be justified.

If enacted, this proposal will not increase the budgetary requirements of the Department of Defense. By amending this section, monetary savings may be realized by authorizing more centralized control of the DoD transportation system.

Section 1037 would clarify that the period of limitations for the filing of claims before the various Boards of the Military Departments for the corrections of service records (10 U.S.C. 1552(b) of three years, that can be waived by the board ''in the interest of justice'') is not tolled by section 205 of the Soldiers' and Sailors' Civil Relief Act of 1940. Section 205 of such Act was amended by the Soldiers' and Sailors' Civil Relief Act Amendments of 1942 (section 5 of such Act (56 Stat. 770); 50 U.S.C. App. 525). It prescribes that military service is not to be computed in any period limited by law for the bringing of any action or proceeding before a court, board, etc. The recent judicial decision of *Detweiler v. Pena*, 38 F. 3d 591 (D.C. Cir. 1994) applied the tolling provision to the limitation of section 1552(b).

This provision would overturn that court decision and direct the military correction boards to consider the travails of military service in their findings ''in the interest of justice'' in waiving the limitation period. This result is necessary considering that the boards are examining military records. It underscores the need for a prompt resolution of requests for corrections, especially to avoid multiple successive corrections in the examination of records 20 to 30 years after a complained of error.

Section 1038 would update the statutory reference to the name upon which the Navy's central historical activity has operated for more than two decades. The original term was used in 1949 when the trust fund initially was started. Subsequently, the fund has evolved to include, among other things, the Navy Museum and Navy Art Gallery. This is a technical change conforming the statutory reference to the common title.

Section 1039. The George C. Marshall Center was established in 1993 to respond to the new security challenges which emerged at the end of the Cold War: e.g., promoting stability in Europe by helping the nations of Central Europe and the former Soviet Union to develop democratic institutions. The Center's formal mission is to foster the development of defense institutions and security structures compatible with democratic processes and civilian control. As its directive mandates, it does this by (1) providing appropriate defense education; (2) conducting research on security issues relevant to the task; (3) holding conferences and seminars on appropriate issues; (4) providing Foreign Area Officer (FAO) and language training; and (5) supporting NATO activities which are directed toward the same end.

To execute its mission, the Marshall Center conducted programs through three operational components: the College of Strategic Studies and Defense Economics (CSSDE); the Research and Conference Center (RCC); and the Institute for Eurasian Studies (IES). The CSSDE teaches a 19 week in-depth course in English, Russian, and German to future national security leaders in mid-level civilian and military positions from the nations of CE/FSU twice a year. The RCC holds conferences and seminars and sponsors research on issues of importance to current leaders at the ministerial and parliamentarian level from the North Atlantic Community, the nations of the NATO and PfP signatories. The IES trains US and NATO personnel (FAO and language students) who will work in and with these nations in the future. Each element synergistically reinforces the Center's overall objective of reinforcing and accelerating the democratization processes of the security establishments in the CE/FSU nations.

The work of the Marshall Center continues to receive international recognition. The innovative and ground breaking curriculum that teaches about many forms of democracy and looks at the principles that govern defense organization and management, in both western and the emerging democracies in the Central European and Former Soviet Union nations, is being used as a model for other schools. The Marshall Center, in promoting democratic principles and serving as a forum for promoting democratic principles and serving as a forum for European and Eurasian security and stability issues, clearly provides a service that benefits not only NATO countries but also neutral European nations. Both NATO and neutral nations, recognizing the importance and effectiveness of the Marshall Center, have expressed an interest in contributing to the program. From the Marshall Center academic perspective, the more view points that can be offered, the richer and better the program.

In 1994, the Marshall Center was given special permission by Congress to accept contributions from the German government under a formal; ''Memorandum of Agreement''. This arrangement is a tremendous success story. The German contribution of both funding and manpower enhances the conferences and research program and hence the prestige and effectiveness of the Marshall Center. Enabling the Marshall Center to accept contributions from other nations would only serve to further enhance the breadth and quality of the Marshall Center program as it works to strengthen U.S. interests and spread democratic values in the Central and Eastern European and Former Soviet Union nations.

As addressed above, the Marshall Center is an educational institution. In accordance with U.S. strategic interests, it is dedicated to stabilizing and thereby strengthening Post-Cold War Europe. Specifically, the Marshall Center provides education to defense and foreign ministries' officials to develop their knowledge of how national security organizations and systems operate under democratic principles. The Marshal Center program recognizes that even peaceful, democratic governments require effective national defenses; that regional stability will be enhanced when legitimate defense and that a network of compatible democratic security structure will enhance the continent's prospects for harmony and stability.

The Marshall Center additionally seeks to create an enduring and ever expanding network of national security officials who understand defense planning in democratic societies with market economies and to provide those officials with ever greater opportunities to share their perspectives on current and future security issues. The Marshall Center, with its international faculty and students from over 26 nations, and it active conference program serves as an important forum for discussion of European and Eurasian security and stability issues.

Unfortunately, the very nations that can be viewed as perhaps the most in need of what the Marshall Center offers, in both education and as a forum for defense cooperation contacts, are excluded from participation. Inviting national security officials from nations such as Bosnia, Yugoslavia, and Azerbaijan to Marshall Center programs would expose them to the very ideas and changes the U.S. is seeking to influence and promote.

If the U.S. strategic goals of promoting stability through defense cooperation are to be achieved, all the newly emerging governments of the Central and Eastern and States of the Former Soviet Union (CE/FSU) nations must be allowed, even encouraged, to attend and participate in the Marshall Center program. Participation of all CE/FSU nations in the Marshall Center program can only enhance the U.S. objective of increasing the continent's prospects for harmony and stability.

The Secretary of Defense has requested that a Board of Visitors be established to advise him on Marshall Center programs. Distinguished citizens from both the United States and other nations are being asked to participate without compensation other than remuneration for their travel expense to serve on the Board twice a year. Having to make financial disclosures or foreign registration will discourage their participation and make it extremely difficult in recruiting volunteers with exceptional diplomatic experience.

Section 1040 would direct the transfer and exchange of lands between the Departments of Army and Interior, which will allow those departments to more efficiently manage their property and also will provide for the orderly development of additional lands for the benefit of Arlington National Cemetery, which currently is slated for closure to initial interments by 2025.

Subsection (a) of this provision directs the Secretary of the Interior to transfer to the Secretary of the Army lands that are currently under the jurisdiction of the National Park Service (NPS) to the Army for the use of Arlington National Cemetery. On February 22, 1995, the Army and the Department of the Interior entered into an Interagency Agreement for the purpose of ultimately effecting a transfer of these lands. These lands are part of what is known as ''Section 29,'' an area that became part of the National Park System in 1975 when the Army reported the property as excess and transferred it to the NPS pursuant to the Federal Property and Administrative Services Act, subject to a 1964 Order by the Secretary of the Army that it be set aside in perpetuity to preserve an appropriate setting for the Custis-Lee Mansion (subsequently renamed the Arlington House, The Robert E. Lee Memorial) and be maintained in a parklike manner.

Section 29 includes approximately 24.44 acres that are divided into two zones, the approximately 12.5-acre Robert E. Lee Memorial Preservation Zone and the approximately 12-acre Arlington National Cemetery Interment Zone. Because it is unnecessary for the Interment Zone, and possibly portions of the Preservation Zone as well, to be maintained in a parklike manner for the NPS to provide a proper setting for Arlington House, or for the proper administration and maintenance of it and its adjacent buildings as a national memorial, this property may be transferred to the Army for use as part of Arlington National Cemetery.

Under the Interagency Agreement signed on February 22, 1995, the NPS agreed to allow the Army to use the lands in the the Preservation Zone that are suitable for transfer and all lands in the Interment Zone until the transfer is effected, for the purpose of studying and surveying the property and planning for its use as a cemetery.

Subsection (a) directs the Secretary of the Interior to transfer these lands directly to the Secretary of the Army in accordance with the Interagency Agreement.

Subsection (b) of this provision directs the exchange of specific parcels of land located in and adjacent to Arlington National Cemetery between the Departments of Army and Interior. This transfer is designed to meet the respective agencies' needs and will provide for the optimum use of these Federal lands.

Section 1041. The existing language of section 2643, title 10, United States Code, subverts the Department of Defense consolidated contracting for overseas transportation and may result in higher overall costs, with less flexibility and control.

Section 1042. The Sikes Act (P.L. 99–561) permits the use of cooperative agreements to ''provide for the maintenance and improvement of natural resources'' on DoD installations. Similar language is not available to support DoD's cultural resources program.

Cooperative agreements are an essential instrument used to enter into partnerships with other Federal, State, and local governments, and with nongovernmental organizations to share personnel and fiscal resources for the mutual benefit of all participating parties. Partnership opportunities have been lost or deferred because the Military Departments do not feel they can enter into such agreements for cultural resources management, except for Legacy Resource Management Program-funded projects. Furthermore, the Legacy program was established as a short-term enhancement initiative. A broader, more permanent fix is required to ensure stability and inclusiveness of such efforts for DoD's cultural resources management program.

New partnership oppportunities would be available with this legislative change. Resource stewardship on DoD lands would be enhanced. This proposal has no fiscal or budgetary impact to the Department of Defense.

Section 1043 would authorize the President to award the Medal of Honor to seven named African American soldiers who served in the United States Army during World War II. It would authorize the award notwithstanding the time restrictions in section 3744 of title 10, United States Code. Those restrictions require that the award be made within three years of the act justifying the award and that a statement setting forth the distinguished service and recommending official recognition of the service be made within two years after the distinguished service. The Army recently conducted a study of the awarding of the Medal of Honor to African American soldiers during World War II. The waiver of the time limitations for the presentation of the Medal of Honor to the named former soldiers is a result of that study.

Section 1044 would amend section 2543 of title 10, United States Code, to make permanent the temporary authority the Secretary of Defense had during fiscal years 1992 and 1993 to provide assistance to the Presidential Inaugural Committee and to the joint committee of the Senate and House appointed to make the necessary arrangements for the Inauguration of the President-elect and the Vice President-elect. Section 307 of the National Defense Authorization Act for 1992 and 1993 authorized the Secetary of Defense to lend materials and supplies, and to provide materials, supplies, and services of personnel, during that period to the Inaugural Committee and joint committee.

Section 1045 cites a continuing need for military use of the affected lands and sets forth certain definitions.

Subsection (b) withdraws certain federal lands in Imperial County generally known as the East Mesa and West Mesa ranges from all forms of appropriation under the public land laws, subject to existing rights and certain conditions. The lands would be reserved for use by the Navy in accordance with the current memorandum of understanding between the Bureau of Land Management and the Department of the Navy, and for other defense-related purposes consistent with the memorandum.

The provision requires the publication and filing of maps and descriptions of the affected lands, gives those maps and descriptions the same effect as if they were included in the Act, and provides for public inspection.

It would require management of the withdrawn lands by the Secretary of the Interior pursuant to the Federal Land Policy and Management Act and other applicable law, with the concurrence of the Secretary of the Navy. The lands could be managed to permit wildlife protection and management, fire suppression, geothermal leasing by the Department of the Navy and power production and continued grazing. Nonmilitary use could not interfere with military use consistent with the Act. The Secretary of the Interior could issue a lease, easement, right of way, or otherwise authorize nonmilitary use of the lands, with the concurrence of the Secretary of the Navy and under the terms of the cooperative agreement. The Secretary of the Navy would close the withdrawn lands to the public if required by military operations, national security of public safety. Withdrawn lands would be used for purposes other than those specified in the memorandum of understanding, however, the Secretary of the Navy would be required to notify the Secretary of the Interior. Withdrawn lands and minerals within them would be managed in accordance with the existing cooperative agreement, which would be revised as soon as practicable after the enactment of this legislation to implement the provision of the section.

By Mr. GRASSLEY (for himself, Mr. PRESSLER, and Mr. BAUCUS):

S. 1674. A bill to amend the Internal Revenue Code of 1986 to expand the applicability of the first-time farmer exception; to the Committee on Finance.

THE AGGIE BOND IMPROVEMENT ACT

Mr. GRASSLEY. Mr. President, as you might expect, as I so often do on the floor of the Senate, I rise to speak about agriculture because it is a very important industry in my State. The legislation that I am introducing today, with Senators PRESSLER and BAUCUS, is bipartisan in sponsorship and changes the treatment of what are referred to as the aggie bond provisions of our tax statutes. We call this the Aggie Bond Improvement Act.

This legislation is important because of the changing scene of agriculture,

the inability of young farmers to get started in farming, and particularly because today the average age of farmers. In my State of Iowa, and I think in most agricultural States, farmers average in their upper fifties. In 5 to 6 years we will have 25 percent of the farmers retiring. Hence, the necessity for improving programs to encourage young people to go into farming is clear. We introduce this bill today for with this purpose in mind.

This legislation will recondition and strengthen the popular first-time farmer programs administered by various State authorities. These authorities issue tax-exempt bonds to finance first-time farmers' loans. This combined agriculture and tax legislation enjoys the company of a companion bill in the House to be introduced by my colleagues from Iowa, Congressman LIGHTFOOT and Congressman GANSKE and the remainder of the Iowa House delegation. Joining me in our efforts in the Senate, as I have already said, are Senators PRESSLER of South Dakota and Senator BAUCUS of Montana. These two Senators are very interested in the problems of agriculture. The problems in their States are similar to those in mine.

We encourage all of our colleagues in the Senate to join us as sponsors in this Aggie Bond Improvement Act. Many beginning farmers and ranchers utilize low-interest loans authorized by aggie bonds to get started in farming and ranching. With the help of State authorities, these usually younger farmers must secure a participating private lender. This is a Government-private sector partnership. This private lender assumes all of the loan risk.

A Federal law limits the use of aggie bonds for first-time farmer purchases and restricts them to a maximum of $250,000 per family, per lifetime. I know that sounds like a lot of money to people that do not understand agriculture, but with that sort of loan you create one job. We are not talking about a massive farming operation with a massive amount of hired help. It takes that much capital to create one job in agriculture because of the nature of the investment.

State laws usually impose additional restrictions in addition to those that we do in the Federal Government. They might do this from the standpoint of net worth, material participation, and residence requirements—all very legitimate requirements. Therefore, there is no risk of any misappropriation of any underlying tax benefit.

These State programs present American taxpayers with a new generation of farmers to ensure that our grocery stores continue to stock the greatest food bargains in the world. However, to fully succeed, the States need the improvements offered by this legislation.

First, cosponsors to this bill will help family members purchase the family farm by changing the current rule prohibiting aggie bond financing for family member transactions.

Senators from agriculture States know that the high startup costs for farming and the unique expertise required of farmers, cooperate to ensure that only the children and family members of present farmers can themselves become farmers. Therefore, disallowing aggie bond financing for family member transactions has operated as an unintended obstacle to the success of aggie bond programs.

Second, cosponsors to this bill will help more first-time farmers become lifetime farmers by allowing more young people to qualify for aggie bond financing. Present law disqualifies beginning farmers who have previously owned and farmed any parcel of land that is 15 percent or more of the median-size of a farm in the same county. Depending on the size of other farms in the county, many young farmers cannot utilize beginning farmer loans because of this restriction. Therefore, this legislation would qualify a beginning farmer who had previously owned and operated any farm that is no more than 30 percent of the average size of a farm in the same county. In Iowa, this means where present law disqualifies an average beginning farmer for having farmed only 35 acres, with this legislation, average beginning farmers can farm up to 100 acres and still qualify for aggie bond financing.

Having been a farmer all of my adult life, I can attest that no farmer can make a living to support even himself on 100 acres, not to mention supporting a family. These persons truly are just starting out in the farming trade and desperately need the first-time farmer's loans financed by these aggie bonds.

Mr. President, farm State Senators know the average age of farmers is increasing. Presently, our farmers in Iowa average in their late fifties. This aging trend is common in every State in this country. Last year, the Iowa Agriculture Development Authority—the authority that issues these aggie bonds in my State along with comparable agencies in about 20-some other States—issued 177 of these loans in my State, and nearly 80 percent of the applicants were under 35 years of age.

Truly, there is an aging generation of farmers still on the land who would like to retire and there is a younger generation of farmers who want to begin. This legislation to improve the State aggie bonds programs simply makes the necessary transactions possible. Seeing these possibilities, the National Counsel of State Agriculture Finance Programs, and a farming organization called Communicating for Agriculture, strongly endorse this legislation. It is also important to note that the Federal Government shoulders absolutely no financial risk in aggie bonds, and their cost, after these improvements, will be minimal.

I urge my colleagues to join me and the other cosponsors of this bill in supporting America's beginning farmers.

Mr. President, I ask unanimous consent to have printed in the RECORD the legislation.

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

S. 1674

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF FIRST-TIME FARMER EXCEPTION.

(a) ACQUISITION FROM RELATED PERSON ALLOWED.—Section 147(c)(2) of the Internal Revenue Code of 1986 (relating to exception for first-time farmers) is amended by adding at the end of the following new subparagraph:

''(G) ACQUISITION FROM RELATED PERSON.—For purposes of this paragraph and section 144(a), the acquisition by a first-time farmer of land or personal property from a related person (within the meaning of section 144(a)(3)) shall not be treated as an acquisition from a related person.''

(b) SUBSTANTIAL FARMLAND DEFINITION MODIFIED.—Clause (i) of section 147(c)(2)(E) of the Internal Revenue Code of 1986 (defining substantial farmland) is amended by striking ''15 percent of the median'' and inserting ''30 percent of the average''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

By Mr. FAIRCLOTH (for himself and Mr. HELMS):

S. 1676. A bill to permit the current refunding of certain tax-exempt bonds; to the Committee on Finance.

THE EASTERN BAND OF CHEROKEE INDIANS ACT OF 1996

Mr. FAIRCLOTH. Mr. President, I rise today to introduce legislation for the Eastern Band of Cherokee Indians in my home State of North Carolina.

In 1982, the Congress passed legislation that would allow Indian tribes to issue tax exempt bonds just like other units of governments, such as States, counties, and cities. The 1982 act acknowledged that Indian tribes are in fact legitimate units of government with wide ranging responsibilities.

Using the act, the Cherokee Indians in my State issued $31 million in tax-exempt bonds to purchase the Carolina Mirror Co. The tribal leadership viewed the purchase of Carolina Mirror Co. as a means to promote jobs and economic development for their tribe and its members.

In 1986, however, the Congress passed new legislation that narrowed the interpretation of the original act so that tax exempt bonds could only be used to finance ''essential governmental functions.''

Mr. President, the Cherokee Tribe in my State would like to take advantage of lower interest rates and refinance the bonds. Under a ''green eye shade'' view of the law, the IRS has ruled that a refinancing would be a reissue, and the tribe could not issue tax exempt bonds again. By reissuing bonds at a lower rate, the company could save nearly $1 million a year—or nearly half of its annual profit.

In my view, this is as great a savings that can be attained for this company,

but for this narrow interpretation of the law.

The legislation that I am introducing today is a technical bill that would allow Indian tribes to refinance tax-exempt bonds issued on or before October 13, 1987. This bill has safeguards to ensure that the temporary tax-exempt status of the bonds are not taken advantage of. Most importantly, this bill would be revenue neutral.

It is my hope that the Senate could consider this legislation.

By Mrs. BOXER:

S. 1677. A bill to amend the Immigration and Nationality Act to establish the United States Citizenship Promotion Agency within the Immigration and Naturalization Service, and for other purposes; to the Committee on the Judiciary.

THE CITIZENSHIP PROMOTION ACT OF 1996

● Mrs. BOXER. Mr. President, what do Saul Bellow, Itzhak Perlman, Elie Wiesel, Elizabeth Taylor, Mikhail Baryishnikov, Alistair Cooke, I. M. Pei, Hakeem Olajuwan, Patrick Ewing, and General John Shalikashvili have in common? They're all naturalized Americans, people who came to our country as immigrants and made major contributions to American life after receiving the precious gift of American citizenship.

Naturalization—the process by which a legal immigrant is granted the full rights and responsibilities of citizenship—represents the final step in a journey toward the American dream, a journey played by the rules.

As a firm believer in the American dream, and as a U.S. Senator whose mother became a naturalized citizen, I am pleased to introduce the Citizenship Promotion Act of 1996 which will put the ''N'' back in INS. This much-needed legislation will reform our current system of naturalization so that it can better serve those who want to follow the rules and become full participants in American society.

California has much at stake in improving the current delivery of naturalization services due to the high number of immigrants in the State who wish to naturalize. The latest surge in naturalization applications submitted is nowhere more evident than here. In fiscal year 1995, an estimated 1 million people applied for naturalization in the United States; over 380,000 of them live in the State of California. This is a 500-percent increase over the totals for fiscal year 1991.

Although Doris Meissner, the Commissioner of INS, is actively addressing the naturalization backlog, the wait for a naturalization application to be processed is still a year or longer in cities such as San Francisco and San Jose. Efforts by INS to cut waiting periods in heavily impacted cities continue to be delayed by lack of funding and outdated agency structures. We owe it to those who patiently follow the rules to do better. That is why my legislation is needed.

The first component of the legislation will create a citizenship promotion agency within INS. Headed by a new associate commissioner for citizenship, the citizenship promotion agency [CPA] will be responsible for carrying out all of the naturalization activities of the INS.

Currently, the INS lumps responsibility for naturalization with their other responsibilities. A separate agency for naturalization within INS will not only elevate the importance of the function but it will clear up the backlog of applications. The naturalization fees will be used to fund the naturalization process only, as they should be.

My legislation further provides for funds in the naturalization examinations fee account to be used for English language instruction. Today, there is an overwhelming need for more English language classes catering to immigrants trying to naturalize. The current availability of such classes is inadequate to meet the growing need for this type of instruction. In Los Angeles, for example, more than 20,000 people are now on waiting lists for English classes.

My legislation recognizes that learning English is not only an important component of naturalization, but also the key to opening all of America's opportunities to our new citizens.

The CPA will be encouraged to enter into cooperative agreements with other Government entities as well as private and nonprofit organizations to help carry out its naturalization outreach responsibilities. This will help maximize the capabilities of organizations that perform valuable naturalization outreach services at the local level.

My legislation also creates a citizenship advisory board to work with the Citizenship Promotion Agency. This board will give INS the benefit of advice and assistance from people with diverse experiences and perspectives on the naturalization process through the issuance of two reports a year.

Many of our most acclaimed Americans have been naturalized citizens. This is particularly true in San Francisco and the bay area. For instance, Lofti Mansouri, director of the San Francisco Opera is a naturalized citizen. Helgi Tommason, the director and choreographer for the San Francisco Ballet, is in the process of becoming one. Leo McCarthy is a naturalized citizen.

The last four Nobel Prize winners at UC Berkeley as well as UC Berkeley Chancellor Chang Lin-Tien and UC Santa Barbara Chancellor Henry T. Yang are all great thinkers and naturalized Americans. Our Nation has bestowed the gift of citizenship on them; they have repaid our culture and society with the priceless gifts of their knowledge and creativity.

These individuals are not only the leading lights in the bay area; they have received accolades the world over for their talents and contributions.

From the people we have invited today, you will hear the stories of what they have been through and what naturalization means to them. And while all of our naturalized citizens are not famous, many of them embody the best of America's traditions and values.

Take the example of Joyce Cheng, a naturalized citizen who came from Hong Kong in 1965 to settle in California's central valley. Ms. Cheng worked at her family's restaurant and two other jobs in order to pay for her education at the University of California at Berkeley. After receiving her degree in sociology, she worked in community service agencies and counseled other newcomers in employment and adjustment to American life.

Later Ms. Cheng joined the financial industry and was credited with building her bank's net worth tenfold in less than 2 years. In 1988 she founded her own successful mortgage loan and financial planning company in Oakland which generates millions of dollars in revenues each year

Ever since she naturalized in 1970, Ms. Cheng has participated in every election and helped encourage her community to be active participants in the democratic process. She serves on over 20 civic and professional boards and organizations.

Or take Eliana Osorio, who immigrated to the United States from Chile in 1963. She overcome the cultural barriers most newcomers face, such as unfamiliarity with English, and raised four very successful American children. Patricia is a graduate of UC Berkeley and will be attending the University of Chicago in the fall to pursue a masters degree in public policy. Mrs. Osorio's son is a photographer for the Chicago Tribune and a graduate of San Francisco State University.

Much like Mrs. Osorio, Felisa Lam came to the United States many years ago to begin a new life. She came to study accounting and remained in America as a legal resident. She founded a printing shop in 1979, after attending a start-up business conference. After 17 years, her San Francisco business, Trans Bay Printing, has grown dramatically. Her clients range from major corporations to local community groups. Her efforts have not only allowed her to claim a piece of the American dream, they have enabled her two children to claim a piece of their own by attending Yale University.

These are only a few short examples of the kind of new citizens who enrich our communities throughout the country. They not only demonstrate the strong work ethic and family values inherent in most of our foreign-born citizens, but also a firm commitment to their civic responsibilities as American citizens.

I am a strong supporter of efforts to regain control of illegal immigration. It must be done at the border and in the workplace. But that effort should not overshadow other responsibilities of the Immigration and Naturalization Service.

My bill will make needed improvements to the often-neglected function

of naturalization, acting as an important balance to proposed immigration reform and remaining true to the promise of the American dream.

Many of us have directly witnessed the contributions of naturalized citizens in our communities and our families. I was fortunate to see in my own home, with my own mother, how much a naturalized American treasured her U.S. citizenship.

After my mother passed away in 1991, I found a very special pouch that she had left for me. In it were this wedding band and a one-page document wrapped in cellophane. It was her naturalization certificate. America was her land, her home. Her papers were all in order—but that one paper in that separate pouch with her wedding band was the one she wanted me to have, and I have saved it to share with her great-grandchildren.●

By Mr. GRAMS (for himself, Mr. FAIRCLOTH, Mr. ABRAHAM, and Mr. STEVENS):

S. 1678. A bill to abolish the Department of Energy, and for other purposes; to the Committee on Energy and Natural Resources.

THE DEPARTMENT OF ENERGY ABOLISHMENT ACT OF 1996

● Mr. GRAMS. Mr. President, I am pleased to be introducing the Department of Energy Abolishment Act of 1996. I do this on behalf of the ratepayers and taxpayers in my home State of Minnesota and across America who have handed over their hard-earned dollars for years in exchange for a bloated bureaucracy. It is for their sake that we embark on this journey to bring real accountability to the Federal Government—the first step is the elimination of the Energy Department.

In 1977, the U.S. Department of Energy, or DOE, was created to address the energy crisis which had paralyzed our Nation throughout that decade. It was assumed then that the creation of a Cabinet-level Energy Department would serve as a preemptive strike against future energy emergencies. But I'm sure that no one who served in Congress at that time envisioned the problems that DOE would create, rather than solve.

I do not doubt that the DOE was established with good intentions, but like many of the relics of the seventies, it has outlived its usefulness and public support. And like many of the outdated and wasteful taxpayer-funded programs of that era, the DOE should come to an end.

In my opinion, there are three main reasons for eliminating the DOE.

First, the DOE serves no real mission.

The DOE was created in response to the energy crisis and to protect us from similar emergencies in the future, a noble cause. Yet, the problems for which the DOE was established to address never materialized. Oil supplies eventually rose while prices dropped. The need for a national energy department became less apparent. Even so, the DOE continued to grow, with its bureaucrats working overtime to justify the Department's existence by branching out into areas only marginally related to national energy policy.

Their effort is readily apparent when you realize that 85 percent of the DOE's budget is spent on activities with no direct relation to energy resources. The bulk of those dollars go toward the cleanup of radioactive waste from nuclear weapons facilities and for overseeing storage of our Nation's nuclear waste—programs better suited respectively for the Defense Department and the Army Corps of Engineers.

I share the sentiments expressed by former Defense Secretary Caspar Weinberger who says: ''The Department of Defense, today, with the appropriate leadership and management, is the best place for responsibility for the nuclear weapons stockpile in all its aspects, to be vested, including clean-up activities. Maintaining a separate chain-of-command, and all associated overhead in DOE is a costly and cumbersome arrangement that we can no longer afford.''

The DOE is also responsible for national energy research—such as the development of alternative energy; promoting energy conservation; and ensuring affordable power and access to it by consumers. But after nearly 20 years and hundreds of billions of tax dollars, the DOE has little to show for it, except a few porkbarrel programs and a lot of excuses.

Second, the DOE has failed to carry out the duties it has been handed.

Perhaps the best example of this failure is the DOE's refusal to address the responsibility to accept and store our Nation's nuclear waste. There are 34 States, including my home State of Minnesota, with nuclear facilities in danger of running out of storage space for their spent nuclear fuel. In spite of this impending crisis and the DOE's legally mandated deadline of accepting nuclear waste by 1998, it has taken no real action in addressing the problem.

Worse yet, through a surcharge on their monthly energy bills, electric utility customers have already contributed $11 billion to a nuclear waste trust fund established to create a permanent storage facility, nearly half of which the DOE has already spent. But as we approach 15 years of inaction on the part of the DOE, the waste still sits, posing a potential environmental risk to the people of Minnesota and across the country.

Finally, the DOE is an affront to the taxpayers who are forced to watch nearly $16 billion of their hard-earned dollars go each year to feed this bureaucratic monstrosity.

It currently takes 20,000 Federal bureaucrats and another 150,000 contract workers to carry out the DOE's agenda. Even in the absence of another energy crisis like that which led to its creation, the DOE's budget has grown by 235 percent since 1977—a particularly alarming figure given our current national debt of over $5 trillion.

In his State of the Union Address, President Clinton declared that ''the era of big government is over.'' And I agree. What better way to carry out this pledge than to start dismantling an agency with no mission, no purpose and no legitimate future? That is exactly what the Department of Energy Abolishment Act does.

As this chart shows, our legislation would dismantle the DOE, while transferring the legitimate functions of government to other agencies and departments. In doing so, it will eliminate DOE's upper-level bureaucracy, saving taxpayers an estimated $19 to $23 billion over 5 years and $5 to $7 billion annually thereafter—a refreshing change for the millions of Americans who filed their tax returns yesterday.

At the same time, it will peel away another level of Federal bureaucracy which has grown at the expense, not benefit, of the taxpayers, while addressing the future energy needs of this Nation.

Most importantly, it will send a clear signal to the American people that Congress heard their message in the elections of 1994 and is prepared to protect the taxpayers by giving them a smaller, more effective Government.

First, the Department of Energy Abolishment Act accomplish these goals by immediately eliminating the Cabinet-level status of the DOE and creating a 3-year resolution agency to oversee the transfer, privatization and elimination of the various DOE programs and functions. Then, the legislation sets about dismantling the DOE structure.

Under title I of the bill, the Federal Energy Regulatory Commission [FERC] is transformed into an independent agency. This is similar to the FERC status prior to the creation of the DOE.

The pending cases before the Energy Regulatory Administration [ERA] are transferred to the Department of Justice with a 1-year resolution deadline. Furthermore, the DOJ is instructed to utilize alternative dispute resolution whenever possible.

The activities of the Energy Information Administration [EIA] are transferred to the Department of Interior [DOI], which will have the discretion of maintaining or privatizing EIA activities.

The basic science and energy programs within the DOE structure are handled in two ways. Those activities not being conducted by the DOE laboratory facilities are transferred immediately to the DOI. Once at the DOI, the Secretary of Interior has the discretion of determining which functions or programs constitute basic research and can recommend transfer to the National Science Foundation [NSF] for further study and recommendation by an independent science commission which is also established to look at the DOE labs.

For those activities which are more commercial in nature, the Secretary has 1 year to recommend to the Congress a plan for permanent disposition of these functions. These activities can then be assumed by the private sector, focusing Government dollars toward fundamental research initiatives.

Under title II of the bill, the three defense labs—Sandia, Lawrence Livermore, and Los Alamos—are all transferred to the Department of Defense under the civilian management and control of a new defense nuclear programs agency. The remaining nondefense laboratories are transferred to the NSF for review by a non-defense energy laboratory commission. The Commission can recommend restructuring, privatization or concur with the bills closure language.

Furthermore, if the commission identifies additional labs or functions which are national security related, the commission can recommend a transfer of functions to one of the defense labs or a transfer of those facilities to the DOD.

Once the commission has submitted its recommendations, Congress has fast-track authority to consider the report and enact the recommendations. Failure by Congress to act will result in closure of facilities within 18 months of the reports issuance.

Under title III of the bill, the Power Marketing Administrations [PMA's]—Bonneville, Southeastern, Southwestern, and Western—are transferred to the U.S. Army Corps of Engineers. The General Accounting Office is then instructed to conduct an inventory of the PMA assets and liabilities. The GAO is then instructed to perform a study of the options available which protect the interests of the current customers and taxpayers and submit it to the Congress.

The Strategic Petroleum Reserve [SPR] and the Naval Petroleum Reserve are addressed under title IV of the bill. The SPR is transferred to the DOD where a GAO study is ordered to determine alternatives to maintaining the reserves. Once complete, the Secretary of DOD has the discretion to determine the amount to maintain or sell. The Naval Petroleum Reserve, however, is ordered to be sold within 3 years under the direction of the resolution administrator. If the sale is not completed within this timeframe, the Secretary of Interior is instructed to administer the balance of the sale.

The largest portion of the DOE's budget, defense-related provisions, are addressed under titles V & VI of the legislation. All national security and environmental management programs are transferred to a newly created, civilian-controlled Defense Nuclear Programs Agency [DNPA]. This includes stewardship of the weapons production facilities and the stockpile.

The environmental restoration activities at the defense nuclear facilities are also transferred to the new DNPA to coordinate ongoing DOD cleanup activities. DOE's current cleanup programs have wasted billions of dollars with little progress in their efforts at sites such as Hanford. This transfer is aimed at refocusing taxpayer dollars to cleanup, rather than duplicative bureaucracies.

Title VII of the legislation transfers the civilian waste program to the Army Corps of Engineers. Site characterization activities continue at the Yucca Mountain site, and Area 25 of the Nevada Test Site is named as the interim storage site. This temporary site is consistent with legislation currently pending before the U.S. Senate. Also, the GAO is instructed to conduct a study of options for program privatization initiatives. These changes to the civilian waste program represent the best way to ensure the Federal Government meets its obligation to begin accepting waste by 1998.

The merits and importance of this legislation have been recognized not only by Secretary Weinberger, but also by two men who know the DOE inside and out—former Energy Secretaries Donald Hodel and John Herrington. I am delighted that our legislation has their support, as well as the support of the Cato Institute, the Competitive Enterprise Institute, and Citizens Against Government Waste.

I would like to close by quoting Nobel Prize-winning economist Milton Friedman who in 1977 likened a national energy agency to a Trojan Horse, saying ''[I]t enthrones a bureaucracy that would have a self-interest in expanding in size and power and would have the means to do so.''

Over the years, we have witnessed Dr. Friedman's prediction come true—and all at the cost of hundreds of billions of wasted taxpayers' dollars. As a result, the DOE has managed to see its 19th anniversary this year. It should not be around for its 20th. It is time to put this Trojan Horse out to pasture.●

ADDITIONAL COSPONSORS

S. 39

At the request of Mr. STEVENS, the names of the Senator from South Dakota [Mr. PRESSLER], the Senator from Mississippi [Mr. LOTT], the Senator from Hawaii [Mr. INOUYE], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 39, a bill to amend the Magnuson Fishery Conservation and Management Act to authorize appropriations, to provide for sustainable fisheries, and for other purposes.

S. 258

At the request of Mr. PRYOR, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 258, a bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights.

S. 304

At the request of Mr. SANTORUM, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 304, a bill to amend the Internal Revenue Code of 1986 to repeal the transportation fuels tax applicable to commercial aviation.

S. 494

At the request of Mr. KYL, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 494, a bill to balance the Federal budget by fiscal year 2002 through the establishment of Federal spending limits.

S. 568

At the request of Mr. COATS, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 568, a bill to provide a tax credit for families, to provide certain tax incentives to encourage investment and increase savings, and to place limitations on the growth of spending.

S. 607

At the request of Mr. WARNER, the names of the Senator from New York [Mr. D'AMATO], and the Senator from Oregon [Mr. WYDEN] were added as cosponsors of S. 607, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify the liability of certain recycling transactions, and for other purposes.

S. 684

At the request of Mr. HATFIELD, the names of the Senator from Maine [Ms. SNOWE], the Senator from Iowa [Mr. HARKIN], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 814

At the request of Mr. MCCAIN, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of S. 814, a bill to provide for the reorganization of the Bureau of Indian Affairs, and for other purposes.

S. 874

At the request of Mr. GRAMS, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 874, a bill to provide for the minting and circulation of $1 coins, and for other purposes.

S. 948

At the request of Mr. DORGAN, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 948, a bill to encourage organ donation through the inclusion of an organ donation card with individual income refund payments, and for other purposes.

S. 1028

At the request of Mrs. KASSEBAUM, the names of the Senator from Iowa [Mr. HARKIN], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Louisiana [Mr. BREAUX], the Senator from New York [Mr. D'AMATO],

and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

S. 1189

At the request of Mr. DEWINE, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 1189, a bill to provide procedures for claims for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immuno-deficiency virus due to contaminated blood products.

S. 1289

At the request of Mr. KYL, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 1289, a bill to amend title XVIII of the Social Security Act to clarify the use of private contracts, and for other purposes.

S. 1506

At the request of Mr. ABRAHAM, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1506, a bill to provide for a reduction in regulatory costs by maintaining Federal average fuel economy standards applicable to automobiles in effect at current levels until changed by law, and for other purposes.

S. 1512

At the request of Mr. LUGAR, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 1512, a bill to amend title 23, United States Code, to improve safety at public railway-highway crossings, and for other purposes.

S. 1610

At the request of Mr. BOND, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1610, a bill to amend the Internal Revenue Code of 1986 to clarify the standards used for determining whether individuals are not employees.

S. 1612

At the request of Mr. HELMS, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1612, a bill to provide for increased mandatory minimum sentences for criminals possessing firearms, and for other purposes.

S. 1623

At the request of Mr. WARNER, the names of the Senator from Maryland [Mr. SARBANES] and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of S. 1623, a bill to establish a National Tourism Board and a National Tourism Organization, and for other purposes.

S. 1624

At the request of Mr. HATCH, the names of the Senator from Virginia [Mr. ROBB] and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of S. 1624, a bill to reauthorize the Hate Crime Statistics Act, and for other purposes.

S. 1646

At the request of Mr. DOMENICI, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 1646, a bill to authorize and facilitate a program to enhance safety, training, research and development, and safety education in the propane gas industry for the benefit of propane consumers and the public, and for other purposes.

S. 1653

At the request of Mr. CONRAD, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 1653, a bill to prohibit imports into the United States of grain and grain products from Canada, and for other purposes.

SENATE CONCURRENT RESOLUTION 41

At the request of Mr. INOUYE, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from New Mexico [Mr. DOMENICI], the Senator from Hawaii [Mr. AKAKA], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Concurrent Resolution 41, a concurrent resolution expressing the sense of the Congress that The George Washington University is important to the Nation and urging that the importance of the University be recognized and celebrated through regular ceremonies.

SENATE RESOLUTION 226

At the request of Mr. DOMENICI, the names of the Senator from Missouri [Mr. BOND], the Senator from Iowa [Mr. GRASSLEY], the Senator from Nevada [Mr. REID], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of Senate Resolution 226, a resolution to proclaim the week of October 13 through October 19, 1996, as ''National Character Counts Week.''

SENATE RESOLUTION 243—TO DESIGNATE NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK

Mr. ROBB submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 243

Whereas the operation of correctional facilities represents a crucial component of our criminal justice system;

Whereas correctional personnel play a vital role in protecting the rights of the public to be safeguarded from criminal activity;

Whereas correctional personnel are responsible for the safety and dignity of human beings charged to their care; and

Whereas correctional personnel work under demanding circumstances and face danger in their daily work lives: Now, therefore, be it

Resolved, That the Senate designates the week of May 5, 1996 as ''National Correctional Officers and Employees Week''. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

Mr. ROBB. Mr. President, I submit a Senate resolution to designate the week of May 5, 1996 as ''National Correctional Officers and Employees Week.''

Mr. President, this resolution is a small gesture to recognize the vital role that correctional personnel play in our communities.

Correctional officers and employees put their lives on the line every day to protect the public from dangerous criminals. These brave men and women also protect incarcerated individuals from the violence of their circumstance, and they help prisoners work toward returning to lawful society.

I urge my colleagues to join with me to recognize the indispensable contributions of our Nation's correctional officers and employees.

SENATE RESOLUTION 244—RELATIVE TO THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION CHAMPIONSHIP

Mr. FORD (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 244

Whereas the University of Kentucky Wildcats men's basketball team defeated Syracuse University's team on April 1, 1996, in East Rutherford, New Jersey, to win its sixth National Collegiate Athletic Association (NCAA) championship;

Whereas the senior members of this team, during their four-year varsity careers, were also NCAA semi-finalists and three-time champions of the Southeastern Conference.

Whereas Coach Rick Pitino, his staff, and his players displayed outstanding dedication, teamwork, unselfishness, and sportsmanship throughout the course of the season in achieving collegiate basketball's highest honor, earning for themselves the nickname ''The Untouchables''; and

Whereas Coach Pitino and the Wildcats have brought pride and honor to the Commonwealth of Kentucky, which is rightly known as the basketball capital of the world: Now, therefore, be it

Resolved, That the Senate commends and congratulates the University of Kentucky on its outstanding accomplishment.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the president of the University of Kentucky.

SENATE RESOLUTION 245—MAKING MAJORITY PARTY APPOINTMENTS TO THE LABOR AND HUMAN RESOURCES COMMITTEE

Mr. LOTT (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 245

Resolved, That notwithstanding any provision in Rule 25 or 26, the following be the majority party membership on the Committee on Labor and Human Resources for the 104th Congress, or until their successors are appointed:

Labor and Human Resources: Mrs. Kassebaum (Chairman), Mr. Jeffords, Mr. Coats, Mr. Gregg, Mr. Frist, Mr. DeWine, Mr. Ashcroft, Mr. Gorton, and Mr. Faircloth.

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will conduct a business meeting on Tuesday, April 23, 1996, to mark up the committee's letter to the Senate Committee on the Budget containing the committee's budget views and estimates on the President's budget request for fiscal year 1997 for Indian programs. The business meeting-markup will be held at 9 a.m. in room 485 of the Russell Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will conduct a hearing during the session of the Senate on Thursday, April 25, 1996 on S. 1264, a bill to provide certain benefits of the Missouri River Basin Pick-Sloan Project to the Crow Creek Sioux Tribe and for other purposes. The hearing will be held at 9 a.m. in room 485 of the Russell Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10 a.m. on Tuesday, April 16, 1996, in open session, to receive testimony on the Department of Energy's atomic energy defense activities and the fiscal year 1997 budget request and Future Years Defense Program.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Tuesday, April 16, 1996 session of the Senate for the purpose of conducting a hearing on the Reauthorization of the National Transportation Safety Board and the Pipeline Safety Act.

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

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, April 16, 1996, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of the hearing is to consider S. 1646, a bill to authorize and facilitate a program to enhance safety, training; research and development, and safety education in the propane gas industry for the benefit of propane consumers and the public, and for other purposes.

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

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 16, 1996, at 10 a.m.

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

ADDITIONAL STATEMENTS

FEDERAL-TRIBAL NEGOTIATED RULEMAKING

● Mr. MCCAIN. Mr. President, I rise to inform my colleagues that later today I will ask their unanimous consent to hold at the desk and pass H.R. 3034, a measure that was passed by the House by consent. H.R. 3034 is identical to S. 1608, a measure I and Senator INOUYE introduced on March 12, 1996. S. 1608 was referred to the Committee on Indian Affairs, which I chair.

My full statement explaining the bill appeared at page S1867 of the March 12 CONGRESSIONAL RECORD. While I regret that it is necessary, I support the 60-day extension of authority to the Secretary of the Interior and the Secretary of Health and Human Services to promulgate regulations implementing the Indian Self-Determination Contract Reform Act of 1994 under negotiated rulemaking procedures.

In the 1994 act, the Congress required the administration to involve the Indian tribes, under negotiated rulemaking procedures, in the development of these regulations within an 18-month period that expires on April 25, 1996. The pending bill would extend that period to June 25, 1996.

Many of the Indian tribes who have been involved in the negotiated rulemaking process have sought the extension in order to provide them adequate time to respond to the public comment received from the draft regulations published on January 24, 1996. The administration has joined them in requesting a 2-month extension to the 18-month period provided by the statute to promulgate regulations. Their request is worthy of support and I urge my colleagues to consent to its passage.●

CONGRATULATIONS CORNHUSKERS BASKETBALL

● Mr. KERREY. Mr. President, I come to the floor today to congratulate the University of Nebraska Cornhuskers Men's Basketball Team on their thrilling championship victory over St. Joseph's of Pennsylvania, 60 to 56, in the National Invitational Tournament, the Nation's oldest postseason tournament, at Madison Square Garden on March 28. With their victory, the men's basketball team joins an impressive list of championship seasons this school year for UNL that already includes national champions in football and women's volleyball.

Coach Danny Nee and his players overcame considerable adversity this season, having entered the NIT with 10 losses in their last 11 games. But they defeated Colorado State, Washington State, Fresno State, and Tulane in route to the NIT final, and finished what could have been a disappointing season on a very successful note.

Mr. President, this is UNL's first ever basketball championship and although some may consider the NIT a second-tier tournament, only two teams in men's NCAA Division One basketball can end their season on a winning note. And I am proud to say, one of them this year is my Alma Mater—the University of Nebraska at Lincoln.

Congratulations to Coach Nee, senior guard and NIT MVP Erick Strickland, and the entire Cornhusker men's basketball team on a successful season and a terrific victory. Nebraska is, indeed, proud.●

CRUMBS FOR THE MAJORITY

● Mr. SIMON. Mr. President, I felt like starting these observations by saying three cheers for Mort Zuckerman.

Recently, Mortimer B. Zuckerman, editor-in-chief of U.S. News & World Report, had a superb column called ''Crumbs for the Majority'', which I ask to be printed in the CONGRESSIONAL RECORD after my remarks.

He talks about our income disparity, our growing problems with poverty, and the need to do something about it.

He advocates a grant program similar to the old GI bill after World War II.

It is interesting that if you were to add an inflation factor to the average grant made under the GI bill after World War II, it today would average $9,400 a year. The most anyone can receive today in a grant from the Federal Government is $2,400, and you have to meet strict standards of poverty to receive that.

Even for a modest program like the Direct Loan Program, we have to struggle to see it survive.

If you were to combine the kind of suggestion that Mort Zuckerman has with a WPA type of program that would say to people: You can stay on welfare 5 weeks, but after that you have to work 4 days a week at minimum wage, as in the old WPA, and the fifth day you should be out trying to find a job in the private sector, we would put to work hundreds of thousands—probably millions—of Americans who are now left out of our process and who can be made productive. The demand for unskilled labor is going down and to talk about welfare

reform without talking about creating jobs for people of limited skills is public relations and nothing more.

Such a WPA program should tie in with the education recommendation of Mort Zuckerman. People who come into the program should be screened, and if they can't read and write, we should get them into the program. We have 23 million Americans who cannot fill out an employment form and who cannot read the newspaper. That is a huge drag on our productive capacity.

Those who come into the WPA type of program who have a remarkable skill should be given an opportunity to enhance that skill, whether through an apprentice program or a technical school or community college.

Mort Zuckerman ends his column by saying ''but it is hope that will sustain and enrich us.'' He is correct.

The great division in our society is not between black and white or Hispanic and Anglo or many of the other divisions that people talk about. It is between those who have hope and those who have given up. We need programs that give people the spark of hope.

We have shown very little creativity in dealing with the problems of poverty in our Nation. We have been pandering to those who make the big campaign contributions and who are politically articulate.

It is about time we pay attention to those who make no campaign contributions and who are getting more and more disillusioned with our Government.

The editorial follows:

[From U.S. News & World Report, Feb. 26, 1996]

CRUMBS FOR THE MAJORITY

(By Mortimer B. Zuckerman)

The stock market is up over a trillion dollars in the past 14 months. The United States is five years into an economic recovery. But the opinion polls reveal the public to be in a foul mood and pessimistic about the future. What is going on?

The cake has gotten bigger, but it is not being shared equitably. The technological and educated aristocracy, and the owners of financial assets, are sharing the cream with a highly skilled and well-educated minority, a little more than a third of the work force, who have full-time, full-benefits jobs. But there are only crumbs for the majority of the population who lack a college education or specialized skills. Incomes have been falling or stagnating as this group has remained mired for more than 20 years in what has been called ''the silent depression.'' As social analyst Daniel Yankelovich points out, we are in the midst of the erosion of one of the greatest achievements of the post-World War II era, in which not only people with a college degree could make a good living but also people without one. This gave us a middle class and a prosperous country with a sense of fairness and hope.

That optimism and faith in America have been eroded. Too many Americans cannot afford health insurance; too many can barely save; too many cannot afford to send their children to college; and as 1995's Christmas sales indicate, too many cannot afford gift buying. Both spouses have to work, and the one-earner, middle-class family is becoming extinct. Parents are now spending about 40 percent less time with their children than they did 30 years ago. To support the children who need ever more costly education for ever longer periods of time, parents have to be willing to make larger and larger sacrifices. What's more, too many men are bailing out of these obligations.

This erosion of family life has led to a widespread sense of moral confusion and a breakdown in the shared norms that hold our society together. No value has suffered more than individual responsibility. A nation whose creed is individualism courts disaster if it then proceeds to weaken the moral responsibility of the individual by a philosophy of entitlement. The social conservatism that has re-emerged in response has found its political expression in a bipartisan readiness to cut social services and other programs, which is understandable. Americans ask, If we are spending so much, why aren't we seeing better results? Many Americans see themselves as subsidizing well-organized special-interest groups that are excessively influential in shaping the decisions of our rulers once they are in office.

The voters are rebelling not just against big government—everyone's villain these days—but against bad government. The government has proved inadequate in grappling with the problems of corporate downsizing and declining incomes that now affect tens of millions of workers. We have civil servants who are not civil, public schools that do not teach the public, a criminal justice system that neither reduces crime nor produces justice and economic insecurity even in a rapidly growing economy.

Merely cutting this and that is hardly a sufficient response. There are areas where only government can lead. Higher education and continual learning are a place to start. Higher education is an investment in the greatest strength a country has, its people. We need a modern version of the GI Bill, which provided mass higher education for more than 20 million veterans and dependents. Any student able to meet minimum standards upon graduation from high school should qualify for a scholarship for higher education for the information age, providing family income does not exceed a maximum amount of, say, $125,000. This would be a constructive way to shrink the gap between the haves and the have-nots—much better than doing it only by taxation.

Such a program would cost billions of dollars. But government must find a way to reorder its priorities, to shift money from less valuable programs. Without positive policies to arrest our national decay, the deep anxiety that now seizes much of our society may well turn to fear, or even panic. It is fear that has provided the political basis for the success of Pat Buchanan. But it is hope that will sustain and enrich us.●

INCREASING THE FEDERAL DEBT LIMIT

●Mr. GRAMS. Mr. President, I wanted to express my concern over the increase in the public debt limit which occurred under a unanimous-consent agreement on the Thursday before the Easter recess. Having earlier expressed in a letter to the Republican leadership my intention to oppose an increase in the debt limit if it was not directly connected to a balanced budget. I believe this unanimous-consent agreement hangs over this Congress like a black cloud, marking a dark day for the American taxpayers.

The Congress had done the hard work of putting together a balanced budget that would have put this Nation on the glidepath to eliminating the deficit. Furthermore, it represented our best hope for tackling our $5 trillion debt.

Yet the President carelessly vetoed the bill and its key reforms which would have restored solvency to our Medicare System and ended welfare as we know it. All the while, he has sat at the other end of Pennsylvania Avenue, clamoring for more spending.

Mr. President, I believe yesterday's vote was a white flag of surrender, and a retreat on our pledge to protect the American taxpayers. Nothing in this bill ensures any progress will be made with this Administration in attempting to reach a balanced budget agreement.

Instead, we promised this President we would increase the credit limit on the Nation's charge card by $600 billion—an amount the Congressional Budget Office estimates will be exceeded by next summer. And what did the taxpayers receive in return? The promise of bigger government, a bigger debt, and more of the status quo.

I will acknowledge that the bill did contain two riders which I have supported. The Small Business Regulatory Enforcement Fairness Act is similar to a measure I had supported earlier this month. And as a cosponsor of the Senior Citizens' Right to Work Act, I had advocated passage of this bill earlier this year. But I do not believe seniors or small business should be held hostage to an increase in the debt limit. Unfortunately, they were used to mask the fact that yesterday's vote dragged us deeper into financial chaos.

While the Federal Government's impending financial crisis may have been averted by this debt limit increase, the President must understand that our action does not absolve him of his responsibility in derailing the first real balanced budget produced by a Congress in over 25 years. Given that track record, we cannot allow another increase to occur without the enactment of a balanced budget plan. The Nation's credit card is ready to snap under the heavy load we have already heaped upon it—the American taxpayers are no longer willing to shoulder that burden.●

CANADA, BACKED BY MEXICO, PROTESTS TO UNITED STATES ON CUBA SANCTIONS

● Mr. SIMON. Mr. President, I cast 1 of the 22 votes against the Cuban sanction bill that passed the Senate and has been signed by the President.

I read the story in the New York Times, by Richard Stevenson, titled ''Canada, Backed by Mexico Protests to United States on Cuba Sanctions,'' which I ask to be printed in the CONGRESSIONAL RECORD after my remarks.

Canada is right, Mexico is right, and the Senate, House, and the President are wrong on this one.

We are capitulating to emotion, and we will have done not one thing to discourage Castro.

Our policy to remove Castro has failed for decades, in fact it has had the opposite affect. We simply are compounding the problem.

We are like an accident victim who has suffered a gash, and we think we can stop the bleeding by cutting ourselves some more.

The column follows:

[From the New York Times, Mar. 14, 1996]

CANADA, BACKED BY MEXICO, PROTESTS TO UNITED STATES ON CUBA SANCTIONS

(By Richard W. Stevenson)

WASHINGTON, March 13.—In a sign of the growing tensions between the United States and its trading partners over stepped-up American sanctions against Cuba, Canada said today that it had lodged a trade protest with the Clinton Administration, and Mexico immediately asked to join Canadian-American discussions on the issue.

Responding to a new American law that seeks to tighten the economic vise on Cuba by putting pressure on other countries not to do business with Fidel Castro's Government, Canada said it asked for consultations with the United States under the terms of the North American Free Trade Agreement.

Canada has extensive trade with Cuba, and has vigorously protested what it sees as unfair efforts by the United States to penalize Canadian companies and business executives who operate there.

Canadian officials said the law, sponsored by Senator Jesse Helms of North Carolina and Representative Dan Burton of Indiana, both Republicans, and signed on Tuesday by President Clinton, could violate the free trade agreement in several ways.

In Ottawa, Canada's Trade Minister, Arthur Eggleton, said his government would ''seek clarification of U.S. intentions'' in introducing the bill.

''Canada finds objectionable the Helms-Burton bill, which could interfere with companies engaged in legitimate business and which attempts to extend U.S. law to other jurisdictions,'' Mr. Eggleton said.

Mexican officials, expressing similar misgivings, said they supported the Canadian action, and wanted to take part in the consultations to get a clearer idea how the United States would carry out the legislation's most contentious measures.

A request for consultations is the first step in resolving trade disputes under Nafta, and could lead to a formal ruling on whether the American legislation violates the pact.

The legislation was passed by Congress and signed by President Clinton after the drowning of two small civilian aircraft by Cuban fighters last month. Among other things, it allows American citizens to sue foreigners and foreign companies that ''act to manage, lease, possess, use or hold an interest in'' property confiscated by the Cuban Government from people who are now American citizens.

It also permits the United States to bar entry to foreign corporate officers and controlling shareholders who take part in using such property and foreign executives whose companies do business in Cuba.

The United States Trade Representative, Mickey Kantor, said the American position ''is entirely consistent'' with both the rules of Nafta and the world trade talks.

In an interview, Mr. Kantor said that under the trade agreement the United States reserved the right to protect its security interests and to bar from entry people who have committed crimes of moral turpitude under United States laws.

''The combination of those two, or either standing alone depending on the situation, would support our position,'' Mr. Kantor said.

Federico Salas, the minister for political affairs at the Mexican Embassy in Washington, said ''The Canadians have taken the initiative and we have requested to participate in these consultations.'' The European Union said last week that the law would ''represent the extraterritorial application of U.S. jurisdiction and would restrict E.U. trade in goods and services with Cuba.''

Russia also objected to provisions in the law linking American foreign aid to Russia to Moscow's cutting its military and economic ties to Mr. Castro.●

INTERNATIONAL BRIBERY

Mr. FEINGOLD. Mr. President, export promotion is a critical component of both domestic economic growth in this country and of our foreign policy. One of the barriers to more trade for U.S. companies has been a virtual subsidy by the governments of many of our trade competitors for offering bribes to win foreign contracts. Of course, U.S. business is prohibited from engaging in bribery by the Foreign Corrupt Practices Act. While there have been calls to repeal the FCPA, for almost 2 years, I have been working to promote universal acceptance of the principles of the FCPA. I introduced legislation and a sense of the Senate resolution last year to move forward in that direction. A version of the proposals were included in the Senate State authorization bill, but not included in the conference agreement.

For a problem that no one seems to want to talk about publicly, there has been some important movement to help eradicate this practice in Europe. Two years ago the Organization for Economic Cooperation and Development a group of 26 major industrialized countries, passed a resolution to ''deter, prevent, and combat bribery.'' Now it has expanded on that by recommending that members terminate the tax-deductibility of bribes, such as allowed in Germany and elsewhere.

This is a significant step toward leveling the playing field for U.S. exports. It is also important that major newspapers, such as the New York Times and the Washington Post, have carried opinion pieces in the past couple of days on this issue. I ask that the articles be printed in the RECORD and commend them to my colleagues for their review. Bribery and corruption are serious impediments to our exports, and promote bad business practice. We should be supportive of efforts, such as the recent initiatives by the OECD to help protect American business.

The articles follow:

[From the Washington Post, Apr. 16, 1996]

AN END TO CORRUPTION

(By Robert S. Leiken)

If a German bribes a German, he gets thrown in jail; if he bribes a foreign official he gets a tax deduction. Only American businessmen can be prosecuted at home for bribing foreigners.

But the day when U.S. business was a solitary straight arrow seems to be ending. This is not because the Foreign Corrupt Practices Act (FCPA) has become a dead letter. IBM-Argentina, now under federal investigation, can testify to that. What may be opening a new chapter in commercial diplomacy is a revolution in public opinion, the repudiation of bribery and kickbacks by societies that once tolerated them.

Last week the Organization for Economic Cooperation and Development (OECD), the league of wealthy industrial nations, recommended that is members stop allowing tax write-offs for bribes. Sources close to those protracted negotiations said that the public reaction to recent bribery scandals helped overcome resistance to the measure led by France, Germany and Japan.

The end of the Cold War, the spread of democracy, the rise of civil societies have sparked disclosure of corruption East and West. This is the case not only in the former Soviet bloc but also among Western allies where military regimes or ruling-party dominance has given way to competitive politics.

An intriguing community of interests is forming between U.S. corporations and democracy. For the solution to translational bribery lies not in a futile attempt to repeal the Foreign Corrupt Practices Act but in universalizing it and supporting reforms in emerging countries.

Corruption is being challenged by opposition parties, and unmuzzled press, religious groups and other nongovernment organizations, as well as prosecutors, magistrates and other civil servants. Anti-corruption movements have emerged in countries as diverse as Argentina, Cambodia, Italy, Hungary, Pakistan, Saudi Arabia, El Salvador, South Korea, Switzerland, Taiwan, Tanzania, Thailand, New Zealand and Zimbabwe. Citizens who have silently endured corruption for generations now take to the streets to protest corrupt practices, to elect anticorruption candidates and to impeach corrupt presidents, vice presidents, premiers, cabinet ministers and party leaders.

Many countries have appointed national commissions to recommend reforms and have established government agencies to prosecute abuses. Small countries are beginning to make known their anticorruption sentiments. Recently, for example, Malaysia and Singapore each declared several foreign firms caught bribing officials ineligible for bidding on future contracts.

The stakes are enormous for U.S. companies and workers. As emerging nations drop trade barriers and privatize state monopolies, more than $200 billion of export and investment contracts will be open to international bidding. Our trade rivals understand that these contracts will determine who builds tomorrow's economies. The U.S. Department of Commerce has calculated that from April 1994 to May 1995 nearly 100 foreign contracts worth $45 billion were lost to foreign competitors through graft. The most egregious bribers, according to U.S. government and business officials, include companies from Japan, France, Germany, Spain, Britain, Taiwan and South Korea.

These bribes cost Americans jobs, and since less competitive firms must bribe to win contracts, they cost emerging countries efficiency—which is what they need most. Studies show corrupt procurement practices deter foreign investment while as much as doubling the price that emerging countries pay for goods and services.

As globalization offers corporations more options, corruption has come to be a factor in choosing where to invest. Meanwhile, emerging nations wishing to shed bad reputations have begun to court firms with ''squeaky clean'' images. In some emerging markets, U.S. firms now advertise their liability to the FCPA as surety of their integrity. Several governments have engaged the ''credibility services'' of reputable Western

firms in such tasks as procurement, accounting and auditing.

Bribery and corruption are no longer unmentionables in international diplomacy. A Convention Against Corruption will soon criminalize ''transnational bribery'' throughout the Western Hemisphere. The treaty provides for extradition of corrupt officials and urges transparency in hiring and procurement as well as laws against the ''illicit enrichment'' of government officials. When the United States goes to international forums to demand a level playing field it can take Canada and the developing nations of the hemisphere with it. Along with its success at the OECD, Washington is also making headway in getting the new World Trade Organization to universalize transparent procurement practices. Top administration officials want the United States to press for a recommendation at the next G–7 meeting to criminalize transnational bribery—in other words, to universalize the Foreign Corrupt Practices Act.

The way impatience with corruption is crossing frontiers recalls the human rights campaigns of past decades. Transparency International, modeled on the human rights organization Amnesty International, was formed in Germany in 1993.

Yesterday the guilty's first line of defense was that human rights was ''an internal matter.'' But dissidents welcomed and were emboldened by international attention. Human rights subsequently became a universal watchword. Today opponents of corruption insist that ''sunlight is the best disinfectant.'' During this crucial stage when democracy and must institutionalize or perish, ''transparency'' may emerge as a banner.

For the first time in 60 years, there is no international danger of tyranny. Our national interest is more immediately menaced today by such ''unconventional'' dangers as international crime cartels, the smuggling of weapons of mass destruction, drug trafficking, the spread of pestilent viruses—all of which entail corrupt government officials. Corruption has been provided the pretext for tyrants to topple fledgling democracies. Already, pervasive corruption has paved the way for reaction in and around Russia. Today's decisive battles for democracy and development may be fought on the terrain of corrupt practices.

[From the New York Times, Apr. 16, 1996]

A DEFEAT FOR BUSINESS BRIBERY ABROAD

The United States has successfully pressured its allies to stop subsidizing corruption. Western European governments routinely allow companies that pay bribes to win business contracts from foreign officials to deduct those kickbacks from their taxable income. Last week the Organization for Economic Cooperation and Development, a group of 26 major industrialized countries, agreed to end tax-deductible bribes. That does not go nearly as far as America, which outlaws foreign bribery altogether, would like, but it is a big first step.

Industrial countries outlaw bribes within their borders, but only the United States bars companies from paying bribes to foreign officials. That noble stance puts American business at a disadvantage when competing for a foreign contract against businesses that operate under no such constraints. The United States has labeled the payment of bribes a trade barrier and is fighting to get its trade partners to end the practice completely. The Administration says it has identified about 100 cases between April 1994 and May 1995 in which American companies lost business to those that paid bribes to foreign officials in order to win contracts in the construction, telecommunications and other lucrative industries.

So far, the United States has acted unilaterally—losing business but having a limited impact on corruption. By bringing the other major industrialized countries along, the anti-corruption campaign will pack more wallop and remove American companies as a special target of retaliation. The best way to fight corruption is to present a united front. That way the pressure on offending governments to clean up their act is maximized and the businesses of no one country are victimized. The Administration's lobbying may not end foreign bribes. But its multilateral approach is smart.●

IS IT NOT ENOUGH TO BE A RACIST

● Mr. SIMON. Mr. President, on Martin Luther King's birthday, the Washington Post had an op-ed piece by a long time friend of many of us, Hyman Bookbinder.

It was so good, I set it aside and I have now just re-read it.

For those of you who have read it before, it is worth reading again. For those who have not read it, they should.

I say this as one who participated in the civil rights struggle three and four decades ago. I visited the South as well as participated in programs in the North.

One of the things that has troubled me is the willingness of some to create a division between the black community and the Jewish community. When I was involved in the civil rights struggle, those in the white community who were most active in behalf of the rights of African-Americans were not Lutherans—which I am—nor Catholic—which my wife is—nor Baptist nor Presbyterian nor Episcopalians. They were people of the Jewish faith.

With the name of SIMON, people assume that I am Jewish and particularly when I get on some call-in radio program when there is a predominately African-American audience, I will occasionally get some of the haters on the phone. I have to add that happens occasionally in white communities.

I am pleased to say that compared to 50 years ago, anti-Semitism is not as great a problem today as it was then.

But we have to learn to become one Nation under God, indivisible and reach out to one another regardless of our personal background.

I ask that Hyman Bookbinder's article be printed into the CONGRESSIONAL RECORD.

The article follows:

IT IS NOT ENOUGH NOT TO BE RACIST

(By Hyman Bookbinder)

I'll never forget that moment 12 years ago. I recall it with special poignancy every Martin Luther King Day.

I was sitting in a reserved Senate gallery, and proud to find myself right behind Coretta Scott King, widow of the slain civil rights leader. The senators had just given overwhelming approval to the King holiday bill, which had already secured House approval. President Reagan, after long hesitation, had stated that he would now sign such legislation. So the Senate vote meant that the long campaign had finally succeeded.

At that moment, the senators all rose, turned to face Mrs. King, waved at her and applauded for some time. Mrs. King acknowledged the applause and then turned to her children sitting by her side and embraced each in turn. She then turned around and hugged me. We were not personal friends, but she knew I had done whatever I could on behalf of the American Jewish Committee to mobilize support for the legislation. As she hugged me, she spoke words I have cherished all these years:

''This is your holiday too.''

I do not know whether Coretta King, at that moment, meant ''your'' to mean white American or Jewish American. But whichever, or both, her words were most gratifying because they reflected precisely what I had been urging for years—hoping, and I still do, that my fellow Jews and all Americans could feel that way.

On the several occasions that I had testified on behalf of the holiday, I had expressed the hope that the holiday would not only recognize the extraordinary attributes of an extraordinary black American, but would also provide the occasion for celebrating the unique cultures of our many religious, ethnic and racial groups even as we seek to enhance the common culture that binds us all as Americans.

Dr. King never failed to define his quest for racial justice as part of the goal of universal justice for all people. In his historic ''Dream'' speech, his ringing peroration called for speeding up ''that day when all of God's children, black men, and white men, Jews and gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the Negro spiritual, 'Free at last, free at last, thank God Almighty, we are free at last.'''

In Martin Luther King Jr., American Jews always had a friend and an ally who understood Jewish agony even as we tried to understand the agony of his people. Only months before he died, he wrote. ''It is not only that antisemitism is immoral—though that alone is enough. It is used to divide Negro and Jews—who, have effectively collaborated in the struggle for justice.''

That collaboration can and most endure despite some difficult policy differences that have developed over how best to overcome the discrimination and disadvantage and inequality that persist. Dr. King would undoubtedly share his widow's satisfaction in knowing that every King holiday since 1985 has prompted more and more interracial and interreligious commemorations during which his life and work are remembered and commitments renewed to help realize his dream.

In the nation's capital, two events have always been particularly moving. At one, the Embassy of Israel fills its auditorium with several hundred invited guests from the political community, the Jewish community and the black community. Each year, one African American and one Jewish American are cited for their special contributions to civil rights. The other event, a collaboration with the city's principal black churches, fills the sanctuary of Washington Hebrew congregation at a Friday evening Sabbath service. The church choirs enrich the moving ceremony.

At this year's events, the year just ended provides grounds for much despair but also for some hope. The bigots and racists, the antisemites and hate groups are still doing their dirty work. Two much-reported events in 1995 painfully reminded us of the racial divide that persists. When Susan Smith said that ''a black man'' had kidnapped her children, she counted on anti-black stereotyping to add credibility to her story; when the lie was revealed, black Americans were furious.

And, of course, the opposite reactions to the O. J. Simpson verdict among blacks and whites told us more than we wanted to believe. How many more Mark Fuhrmans were there?

But if there are racists in America, it does not mean that we are a racist nation or that most Americans are racists. If this were so, could a Colin Powell be odds-on favorite public personality in the country? Would the Congress of a racist country enact a legal holiday for a black civil rights champion?

But it is not enough not to be racist. It is incumbent upon all of us to isolate and repudiate those who are. It is essential that we insist upon full compliance with the laws enacted to counteract discrimination and inequality. And it is our responsibility to see that our schools and workplaces and churches do their part in closing the gap between ''majority'' and ''minority'' Americans.

All this, and much more, we must do, but not in a patronizing, paternalistic spirit. We owe it to ourselves to help create a society that, as Dr. King admonished us, judges its people by the content of their character, not by the color of their skin. We would all be the winners.

To Coretta King's gracious, generous comment that today is ''your holiday too,'' every American should respond, ''Yes, racial disadvantage is our problem too.''●

THE 50TH ANNIVERSARY OF THE NUREMBERG WAR CRIMES TRIBUNAL

Mr. DODD. Mr. President, about a month ago, the survivors of the Nuremberg Tribunal met here in Washington for their 50th reunion. The Nuremberg War Crimes Tribunal holds a special significance for me because of the role my father, Senator Thomas Dodd, played as an executive trial counsel at the tribunal.

Those who participated in the Nuremberg tribunal deserve a special place in our Nation's history. At the end of World War II, when the heinous atrocities of the Holocaust were revealed to the world, the inevitable impulse to lash out in retaliation against those responsible would have been understandable.

But, in Nuremberg the hand of vengeance was steadied by the belief in the rule of law. Thus, our triumphs on the battlefield led to the ultimate triumph of our ideals in the Palais of Justice in Nuremberg. This is the legacy of Nuremberg and all those who participated in the tribunal. I ask to have printed in the RECORD a list of all those who were attended the recent reunion as well as my remarks at the 50th reunion celebration.

The material follows:

REMARKS OF SENATOR CHRISTOPHER J. DODD, THIRD NUREMBERG REUNION, MARCH 22, 1996

Let me first say what a great pleasure it is to be here this afternoon and surrounded by so many people who played such an important role in my father's life.

My father often said that his participation in the Nuremberg trials was the seminal event of his public life. The fifteen months he spent in Germany, prosecuting Nazi war criminals, defined the type of lawmaker he would become and dictated the issues that he so passionately fought for throughout his career in the Senate.

My father came away from Nuremberg with a greater understanding and fervor for the need to uphold freedom and human rights and to speak out against intolerance, tyranny and violence wherever it may rear its head.

It's why he campaigned so vigorously to establish genocide and crimes against humanity as violations of international law. It's why, he was such a fervent advocate for the civil rights movement in this country. And it's why he fought so hard as a United States Senator to eradicate the scourge of gun violence and drug use from our nation's streets.

While I take great pride in the role my father played at Nuremberg, my appreciation for your efforts at Nuremberg is just as great. When the gas chambers, death camps and wanton destruction that Nazism had wrought on Europe was revealed, you were burdened with a grave responsibility. To not only punish the guilty but to reassure the world that future generations would never forget the horrors and atrocities of the Nazis.

It was no easy task, particularly when the weight of the living was compounded by the ghosts of history that stood behind you.

At Nuremberg, your voice spoke for the millions of innocents who drew their final breaths at Auschwitz, Treblinka, and Dachau. At Nuremberg, your vigor and energy guaranteed that the millions, who suffered so egregiously—from London to Leningrad—would see justice prevail. And at Nuremberg you affirmed that those who committed the worst atrocities the world has ever witnessed would ultimately be held accountable for their crimes.

Reading through my father's letters the frustration and challenges that all of you must have felt at one time or another comes through clearly. But, what is even more apparent are the deep character, humanity and integrity of all those who toiled so emphatically in the name of justice and the rule of law.

I think my father sums it up best in one of his letters: ''Sometimes a man knows his duty, his responsibility so clearly, so surely he cannot hesitate—he does not refuse it. Even great pain and other sacrifices seem unimportant in such a situation. The pain is no less for this knowledge—but the pain has a purpose at least.''

But as these words remain relevant and enduring today, so too are the legal doctrines and precedents that Nuremberg established.

Nuremberg enshrined into international law the principles that war crimes, crimes against humanity and genocide would not be tolerated. It declared that respect for human rights was an international responsibility to be maintained and venerated by all nations of the Earth. And, it held that evil would not be faceless. Those responsible for crimes against humanity would be exposed to the world.

I think the words of the chief prosecutor in Nuremberg, Supreme Court Justice Robert Jackson, are eloquent reminders of the goals of Nuremberg: The wrongs which we seek to condemn and punish have been so calculated, so malignant and so devastating, that civilization cannot tolerate their being ignored because it cannot survive their being repeated.

However, while my father left Nuremberg with invaluable lessons that compelled him to fight for freedom and human dignity around the world, the international community largely ignored the lessons of Nuremberg.

My father, like many of you in this room, left Nuremberg envisioning a world in which the rule of law would deter future tyrants, and where international tribunals would mete out fair, yet swift punishment to those who would commit crimes against humanity. Sadly, that vision for the future remains unfulfilled.

If we had taken the lessons of Nuremberg to heart, the ghastly killing fields of Cambodia might have been averted. If the international community had forcefully enshrined the legal precedents of Nuremberg, the perpetrators of atrocious violence in the past half-century, from Idi Amin and Pol Pot to Saddam Hussein and Chairman Mao would have been forced to explain their behavior under the harsh spotlight of international jurisprudence.

Regrettably in 1996, the legacy of intolerance and hatred that was prosecuted at Nuremberg lives on in the smoldering suburbs of Sarajevo and in the mass graves of Kigali.

But, commemorating your accomplishments of the past gives us reason to redouble our efforts for the future. Now, just as at the end of World War II, we stand on the cusp of a new international era. We have the opportunity to make good on the lessons of Nuremberg and enshrine into international law the notion that those who violate the norms of basic human rights will not escape from the long arm of the law.

Today we can see those efforts take flight, as the international community is working to bring suspected war criminals to trial in Bosnia and Rwanda. These tribunals seek to punish those responsible for genocide, war crimes and crimes against humanity while at the same time begin the process of reconciliation for countries torn apart by violence.

Without justice in Bosnia and Rwanda the cycle of violence may only continue. Effective and fair tribunals will silence the calls for retribution and remove the heavy burden of collective guilt from entire communities.

Let us remember that not all Serbs or Hutus are murderers. Most seek only to enjoy the ''quiet miracle of life.'' They strive for simple normalcy. They want only to raise their children in peace, and make an honest living among neighbors in which they have only trust, and not fear.

These tribunals will punish those Serbs and those Hutus who are guilty. But, at the same time it will allow the vast majority of people, who have committed no crime, to work with their neighbors in beginning the national healing process.

Yet, these tribunals serve another effective role: Demonstrate to future criminals that ultimately they will be held accountable.

Some scoff at the notion that international tribunals can prevent future genocides. But, the Hutu murderers in Rwanda took inspiration from the failure of the international community to act after similar ethnic massacres in Burundi. Much in the same way that Hitler took inspiration from the world's failure to react to the Armenian genocide in 1915.

In 1993, 50,000 ethnic Hutu and Tutsi were savagely murdered while the international community did nothing to stop the violence. In addition, they failed to establish any system whereby the perpetrators would be brought to justice. The result was an emboldened Hutu majority, who had little fear of punishment from the international community.

There is no better way to make this lesson clear to all the world's would-be tyrants and murderers than through the establishment of an permanent international tribunal to prosecute those responsible for war crimes, crimes against humanity or genocide.

At the dedication ceremony for the Thomas Dodd Research Center at the University of Connecticut, President Clinton called for the creation of a permanent international tribunal. I commend him for his foresight. And I call on all of us, who understand so well the

importance of international tribunals, to work with the President and other world leaders to permanently enshrine the legacy of Nuremberg into international law.

A permanent international tribunal would send a clear signal to those intent on committing terrible atrocities that they will be held culpable for their behavior.

Will an international tribunal stop all future atrocities? Regrettably, no. There will be more Yugoslavias, more Rwandas, and more Burundis.

But, a permanent international tribunal will create a lasting framework for the prosecution of war criminals. It will prevent justice from being contingent on ad hoc measures such as those we've seen in Bosnia. And it will quicken and normalize the implementation of humanitarian laws.

As I don t have to remind you, establishing an international tribunal and prosecuting war criminals can be a messy, patchwork operation.

In Nuremberg, there were few legal precedents by which to model the trial. In particular, new doctrines and concepts in international law had to be created. ''War crimes, may be familiar to us today,'' but in 1945 they were not defined in any international or even national legal sense.

The same can be said of crimes against humanity, which was a concept that remained untested in international law. In Nuremberg, you not only had to prosecute Nazi war criminals, but you had to establish the international laws under which they would be tried.

As Justice Jackson noted in his opening statement at Nuremberg: ''Never before in legal history has an effort been made to bring within the scope of a single litigation the developments of a decade, covering a whole Continent, and involving a score of nations, countless individuals, and innumerable events.''

But, the creation of a permanent tribunal would revamp the currently ad hoc nature of international tribunals. It would streamline the process of prosecuting those who commit crimes against humanity. But most important, it would serve as an enduring tribute to your tireless labors at Nuremberg on behalf of the international rule of law.

In many ways the question of international jurisprudence and the rule of law, while maybe mundane to some is the embodiment of the spirit of Nuremberg.

After the surrender of Germany and once the ghastly atrocities of the Holocaust had been revealed to the world the impulse to lash out in vengeance at those responsible for these crimes would have been understandable. Some leaders echoed these thoughts. Winston Churchill, in fact, called for the execution of Nazi leaders, without trial.

But, the United States and its Allies ended this war the same way they had fought it, by embodying, as Abraham Lincoln once said, ''the better angels of our nature.''

The struggle of World War II is as close as any civilization will find to a pure struggle between good and evil. And not only did the forces of good triumph on the battlefield, but they triumphed in the courtroom at Nuremberg as well.

When millions of innocent Jews stood on the railroad sidings at Auschwitz, Treblinka and Dachau to be chosen for the gas chambers they were unjustly stripped of their rights and their liberties.

They weren't granted the right of due process. They weren't given the right to defend themselves or speak on their own behalf. In the concentration camps, the only form of justice was down the barrel of a gun.

But at Nuremberg, the Allies recognized that the only antidote to savagery and inhumanity is justice. That s why defendants were given the right to defend themselves, that's why they were given the right to choose their own legal representation and that's why three of them were acquitted of all charges.

Whatever the legacy of Nuremberg on international law, my father and every person in this room can look back to Nuremberg and remember that when the deafening calls for vengeance were heard you silenced them with the sounds of justice.

Once again, I hark back to the words of Justice Jackson in describing these actions: ''That four great nations, flushed with victory and stung with injury stay the hand of vengeance and voluntarily submit their captive enemies to the judgment of the law is one of the most significant tributes that Power has ever paid to Reason.''

Looking through my father's letters, I came across a wonderful anecdote from his time in Nuremberg. After only a few weeks in the country he had the opportunity to go to a baseball game at the same Nuremberg stadium where ''Hitler corrupted and misled the youth of Germany.''

But on that day the voices of evil that had once found shelter in Nuremberg were replaced by 40,000 Americans doing the ''most American of things''; watching a baseball game and calling the umpires names and the players ''bums.''

In many ways, something as wholesome and American as baseball is a wonderful metaphor for the triumph of American optimism, American ideals and American democracy over the forces of intolerance and depravity, represented by Nazism.

In Nuremberg, America's commitment to democracy and the ideals enshrined in our Constitution remained intact even in the face of unspeakable horror. In many ways this is the ultimate legacy of Nuremberg; that our triumph in arms led to the triumph of our ideals.

When historians look back at the events that unfolded in the Palais of Justice in Nuremberg 50 years ago, it is that proud legacy they will remember. And today it is our responsibility to make sure that heritage lives on for the next generation.

For the past 50 years, through wonderful books such as Telford Taylor's ''The Anatomy of the Nuremberg Trials'' and now the research facilities at the Dodd Center in Connecticut, you've kept the events of a half-century ago burning bright in the world's eyes. Tirelessly, you've worked to illuminate the lessons of those bygone days to a world that so quickly forgets the lessons of history.

Our duty today is to build on that proud tradition with the creation of a permanent international tribunal to prosecute war crimes. I can think of now better way to give your labors at Nuremberg a truly lasting, enduring, and tangible imprint on human history and all of mankind.

PARTICIPANTS IN THE NUREMBERG TRIAL AND THIRD NUREMBERG REUNION

Joan McCarter Adrian, John M. Anspacher, Esq., Beatrice Johnson Arntson, Marvin F. Atlas, Carrie Burge Baker, Ruth Holden Bateman, Henry Birnbaum, Esq., Dr. John Boll, Madelaine Bush, Helen Treidell Carey, Edith Simon Coliver, James S. Conway, Esq., Donald H. Cooper, Esq., Raymond D'Addario, Esq., Mr. & Mrs. Vernon W. Dale, Christiane Deroche, Mary Turley Lemon Devine, Nicholas R. Doman, Esq., Mr. & Mrs. Arthur Donovan, Esq., Allan Dreyfuss, Esq., Mr. & Mrs. Demetrius Dvoichenko-Markov, Mary Crane Elliott, Hedy Wachenheimer Epstein, Margo Salgo Fendrich, Theodore F. Fenstermacher, Esq., Mr. & Mrs. Benjamin Ferencz, Dr. Paul G. Fried.

Miroslav Galuska, Anne Royce Garcia, William H. Glenny, Judge Cecilia Goetz, Greta Kanova Goldberg, Elisabeth Stewart Hardy, Professor Whitney R. Harris, Richard Heller, Esq., Mary Madelaine Trumper Husic, William E. Jackson, Esq., Peter & Annette Jacobsen, Arnold Joseph, Esq., Arthur A. Kimball, Henry T. King, Jr., Esq., Florence B. Kramer, Richard H. Lansdale, Esq., Prof. John K. Lattimer, MD, ScD, Jennie Lazowski, Jane Lester, Margot Lipton, Andy Logan Lyon, Herbert Markow, Esq., Maxine Martin.

Ralph S. Mavrogordato, Esq., Alice Blum Mavrogordato, Mary May, Alma Soller McLay, Pat Gray Pigott Mowry, Lady Marjorie Culverwell Murray, Gwen Heron Niebergall, Jeanette Stengel Noble, Betty Richardson Nute, Arthur L. Peterson, Esq., Mlle. Marta Pantleon, Joan Wakefield Ragland, Siegfried Ramler, Esq., William Raugust, Esq., Dorothy Owens Reilly, Jack W. Robbins, Esq., Walter J. Rockler, Esq., Robert Rosenthal, Esq., Phillis Heller Rosenthal, Howard H. Russell, Jr., Esq., Gunther Sadel, Esq., Mildred Clark Sargent, Walter T. Schonfeld, Julian R. Schwab, Victor Singer, Esq.

Vivien R. Spitz, Drexel A. Sprecher, Esq., Prof. Alfred G. Steer, Ruth M. Stolte, Joseph M. Stone, Esq., Annabel Grover Stover, Prof. Telford Taylor, Claire Bubley Tepper, Fred Treidell, Esq., Jean Tuck Tull, Lt. Col.(ret.) Peter Uiberall, Dr. Herbert Ungar, Patricia Jordan Vander Elst, Inge Weinberger, Lorraine White, Rose Korb Williams, M. Jan Witlox, David J. Smith, John M. Woolsey, Esq., Hon. & Mrs. Wiliam Zeck, Werner Von Rosenstiel, and Lawrence L. Rhee.●

ANGELS WITH HAMMERS

●Mr. HATFIELD. Mr. President, my home State of Oregon has been hit hard in recent months. With the damage wrought by this winter's violent windstorms and recordbreaking floods, many Oregonians were left to wonder if God was somehow angry with us. The helping hand that a Mennonite group has provided to a small Oregon town reminds us how faith can be a powerful healer for a community.

A recent feature in The Oregonian newspaper, titled ''Angels With Hammers'' by Bryan Denson, related the assistance the Christian Aid Ministries Disaster Response Service has brought to the tiny town of Vernonia, OR. Vernonia suffered $9 million worth of damage last February, when the cresting rivers flowed into the community's schools, homes, and businesses. Emergency services pulled out of town when the immediate crisis of the flood passed, and Vernonia's 2,250 residents faced the daunting task of rebuilding their community.

They found help from a most unexpected source. The first of a wave of Mennonites arrived, led by Paul Weaver and Dan Hostetler. These volunteers were soon joined by some New Order Amish and Apostolic Christians. they offered to repair the dining hall of a local outdoor school in return for shelter. Then they volunteered their free labor and construction expertise for a number of the community's rebuilding needs. For the last 6 weeks, the Mennonites have worked side by side with the people of Vernonia, rebuilding homes destroyed by the flooding.

By late May, the group expects to have renovated at least 30 Vernonia homes. Then they will quietly move on to another community in need of the same assistance. The Ohio-based Cristian Aid Ministries Disaster Response Service was formed in 1992 in the wake of Florida's Hurricane Andrew. They have helped rebuild hundreds of homes in disaster-stricken communities all over the Nation.

I am always heartened by stories about the generosity of strangers, and the help these good samaritans have brought to one Oregon town is exceptional. I want to take this opportunity to publicly thank these Mennonite brethren and the volunteers working with them for the healing aid they have brought to Vernonia. Through their quiet and unexpected efforts, they have relieved a community in great need and inspired many with their faith. The mayor of Vernonia, Tony Hyde, summed up this act of selflessness perfectly when he said, ''It's pretty special—Christianity at its best.''

As an aside, I would also like to commend the reporter that produced the account of this effort in Vernonia, Bryan Denson, and The Oregonian for publishing this piece. Oftentimes reading the morning paper causes one to want to crawl back in bed. The inspirational tone of this article would make any reader anxious to greet a new day and to lend a hand to their neighbor.●

THE JANE ADDAMS INTERNATIONAL WOMEN'S LEADERSHIP AWARD FOR 1996

● Mr. SIMON. On May 8, 1996, in Chicago, the Jane Addams International Women's Leadership Award for 1996 will be presented. For the first time, this award will be given jointly to two women.

The International Women's Leadership Award is named for Jane Addams, the first American woman to receive the Nobel Prize for Peace. It honors women whose strong leadership makes a practical difference across national boundaries and cultural divisions.

This year's winners are Dr. Hanan Ashrawi and Rita E. Hauser. These women act daily in the spirit of Jane Addams, breaking down the national and cultural barriers that can work against peace. Their efforts have been a major factor in the progress toward peace in the Middle East. In a time of ever increasing partisanship, the cooperative spirit and work of these two women is inspiring.

Dr. Hanan Ashrawi, a Palestinian professor, is currently Commissioner General of the Palestinian Independent Commission for Citizens Rights. She was recently elected to the Palestinian Parliament. As spokesperson for the Palestinian delegation to the Middle East talks until 1993, she was instrumental in forging the peace. Dr. Ashrawi received her B.A. and M.A. from American University of Beruit and her PhD. from the University of Virginia.

Rita E. Hauser is an American attorney, currently president of the Hauser Foundation. She is chair of the board at the International Peace Academy and chair of the Advisory Board of the Greater Middle East Studies Center at RAND. From 1986 to 1992, she was a member of the advisory panel on international law at the U.S. Department of State. From 1983–91, she served as the U.S. Chair for the International Center for Peace in the Middle East.

I know my colleagues join me in honoring these two women who are well deserving of receiving the Jane Addams International Women's Leadership Award for 1996.●

COMMENDING THE UNIVERSITY OF KENTUCKY'S MEN'S BASKETBALL TEAM ON ITS SIXTH NATIONAL CHAMPIONSHIP

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 244, a resolution to commend and congratulate the University of Kentucky on its men's basketball team winning its sixth National Collegiate Athletic Association championship, submitted earlier today by Senators FORD and MCCONNELL.

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. FORD. Mr. President, there is a scene in the movie ''Butch Cassidy and the Sundance Kid'' where the heroes, successful and unchallenged for years, suddenly find themselves chased by an unshakeable posse.

Each time the posse reappears, the pressure builds on the heroes and they feel a little less invincible, their pursuers' skills a little more impressive. ''Who are those guys?'' they keep asking.

Over the 3 weeks leading up to the weekend of the National Collegiate Athletic Association Championships' final four, fans found themselves watching upset after upset, crossing off one favored pick after another, scratching their heads and saying, ''Who are those guys?''

Those upsets are testament to the incredible talent we saw on display during the NCAA championships this year. And the incredible pressure. That's why after going through nickname after nickname for his team, the University of Kentucky's Coach Rick Pitino finally settled on the ''untouchables,'' because they never let any of that pressure touch them.

Game after game during the tournament, those players came out professional, poised, and untouched by the pressure that had the most devoted of Wildcat fans cautious in their predictions for Monday night's final outcome.

But as Sports Illustrated pointed out, not even the magnificently courageous Syracuse team they would suit up against on April 1, 1996, would be able to shake the Cat's unapologetic defense.

In the end, even the upset magic that was in the tournament's air from the first jump ball, was simply no match for their depth and their talent.

The fans were right to ask ''Who are those guys?'' But, the Wildcats have a coach that knew how to take raw talent, combine it with an unmatched professionalism, sportsmanship, and some downright dangerous weapons—from Derrick Anderson's three-pointers to Walter McCarthy's thunderous dunks to Ron Mercer's slashing drives to Anthony Epps' ball handling—to turn back the challengers, one by one.

And of course there was Tony Delk. He had 7 three-pointers and 10 rebounds in the final game against Syracuse's scrappy Orangemen. But, as he bent down to help up a fallen Syracuse player, he came to epitomize not just the outstanding playing that marked this tournament, but the outstanding sportsmanship as well.

But, this was one player's victory.

Those five starters weren't the whole team by any means. With no player averaging much over 20 minutes per game the whole season, the Wildcats succeeded because of their ability to rely on one another's strengths, no matter what a player's position in the lineup.

That's because this was a team in every sense of the word, with a depth and wealth of talent that was the envy of the entire NCAA. Rick Pitino said more than once that his players checked their egos at the door. And because of that, when they went back out that door, they went as winners.

They rib us a bit about taking our basketball too seriously in Kentucky. And apocryphal stories about fans being buried in their Wildcat sweat suits or calling on Coach Pitino to help settle their marital spats, sometimes make it seem so.

But, when you see a team of such gifted athletes work together in a way that seems almost effortless—and combine it with a professionalism on and off the court that makes them true role models to their peers and their young admirers—then Kentucky's devotion to her basketball doesn't seem misplaced one bit.

The University of Kentucky's year was marked by one amazing statistic after another. They not only had a 34 and 2 record—the best record since the 1953–54 Cats went 25 and 0, but at one point had strung together 27 consecutive wins, the longest in the country. And they finished a very, very tough SEC regular season undefeated, the first time that's been done in four decades. The Wildcat's average margin of victory in the NCAA tournament was 21.5 points per game—the fourth best margin of victory in the history of the game.

And, while the players' incredible talent and the unmatched coaching

skills of Rick Pitino are enough to assure that no one will be asking ''who are those guys?'' about the Kentucky Wildcats anytime soon, I believe it is only right that the U.S. Senate should be on record saluting their accomplishments.

And so I urge my colleagues in joining me in the adoption of a resolution commending the University of Kentucky basketball team.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to, and motion to reconsider be laid upon the table, that the preamble be agreed to, and that any statements relating thereto be placed in the RECORD at the appropriate place as if read.

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

So the resolution (S. Res. 244) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 244

Whereas the University of Kentucky Wildcats men's basketball team defeated Syracuse University's team on April 1, 1996, in East Rutherford, New Jersey, to win its sixth National Collegiate Athletic Association (NCAA) championship;

Whereas the senior members of this team, during their four-year varsity careers, were also NCAA semi-finalists and three-time champions of the Southeastern Conference;

Whereas Coach Rick Pitino, his staff, and his players displayed outstanding dedication, teamwork unselfishness, and sportsmanship throughout the course of the season in achieving collegiate basketball's highest honor, earning for themselves the nickname ''The Untouchables''; and

Whereas Coach Pitino and the Wildcats have brought pride and honor to the Commonwealth of Kentucky, which is rightly known as the basketball capital of the world: Now, therefore, be it

Resolved, That the Senate commends and congratulates the University of Kentucky on its outstanding accomplishment.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the president of the University of Kentucky.

MEASURES INDEFINITELY POSTPONED—CALENDAR NOS. 124, 164, AND 247

ORDER REGARDING S. 1124, S. 1125, AND S. 1126 VITIATED

Mr. LOTT. Mr. President, I ask unanimous consent that the following calendar numbers be indefinitely postponed: 124, 164, and 247. I further ask that the unanimous consent order of September 6, 1995, regarding S. 1124, S. 1125, and S. 1126 be vitiated.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

REGARDING MAJORITY PARTY MEMBERSHIP OF THE LABOR AND HUMAN RESOURCES COMMITTEE

Mr. LOTT. Mr. President, I send to the desk a resolution regarding majority party membership of the Labor and Human Resources Committee and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 245) making majority party appointments to the Labor and Human Resources Committee.

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. ABRAHAM. Mr. President, I rise in support of adoption of Senate Resolution 245 which will have the effect of removing me from membership on the Labor and Human Resources Committee. Although I would have liked to retain my assignment on the Labor Committee, I support this action in deference to rule XXV of the Standing Rules of the Senate. Rule XXV limits the number of committees on which each Member may serve during a Congress. In combination with rule XXV, and the seniority considerations within the Senate Republican conference, which dictate the basis by which Members obtain waivers to serve on more than two ''A'' committees, I am not eligible at this time to continue to serve on the Labor Committee during the remainder of the 104th Congress.

Mr. LOTT. 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.

So the resolution (S. Res. 245) was agreed to, as follows:

S. RES. 245

Resolved, That notwithstanding any provision in Rule 25 or 26, the following be the majority party membership on the Committee on Labor and Human Resources for the 104th Congress, or until their successors are appointed:

Labor and Human Resources: Mrs. KASSEBAUM (Chairman), Mr. JEFFORDS, Mr. COATS, Mr. GREGG, Mr. FRIST, Mr. DEWINE, Mr. ASHCROFT, Mr. GORTON, and Mr. FAIRCLOTH.

THE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 354, H.R. 255; calendar No. 355, H.R. 860; calendar No. 356, H.R. 1804; calendar No. 357, H.R. 2415; and calendar No. 358, H.R. 2556, en bloc, the bills be deemed read the third time, and passed, the motions to reconsider be laid upon the table, all occurring en bloc, and that any statements relating to the bills be placed at the appropriate place in the RECORD.

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

THE JAMES LAWRENCE KING FEDERAL JUSTICE BUILDING DESIGNATION ACT

The bill (H.R. 255) to designate the Federal Justice Building in Miami, Florida, as the ''James Lawrence King Federal Justice Building,'' was considered, ordered to a third reading, read the third time, and passed, as follows:

H.R. 255

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal Justice Building located at 99 Northeast Fourth Street in Miami, Florida, shall be known and designated as the ''James Lawrence King Federal Justice Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the ''James Lawrence King Federal Justice Building''.

THOMAS D. LAMBROS FEDERAL BUILDING AND UNITED STATES COURTHOUSE DESIGNATION ACT

The bill (H.R. 869) to designate the Federal building and U.S. Courthouse located at 125 Market Street in Youngstown, Ohio, as the ''Thomas D. Lambros Federal Building and U.S. Courthouse,'' was considered, ordered to a third reading, read the third time, and passed, as follows:

H.R. 869

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 125 Market Street in Youngstown, Ohio, shall be known and designated as the ''Thomas D. Lambros Federal Building and United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Thomas D. Lambros Federal Building and United States Courthouse''.

JUDGE ISAAC C. PARKER FEDERAL BUILDING ACT

The bill (H.R. 1804) to designate the United States Post Office-Courthouse located at South 6th and Rogers Avenue, Fort Smith, Arkansas, as the ''Judge Isaac C. Parker Federal Building,'' was considered, ordered to a third reading, read the third time, and passed, as follows:

H.R. 1804

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States Post Office-Courthouse located at South 6th and Rogers Avenue, Fort Smith, Arkansas, shall be known and designated as the ''Judge Isaac C. Parker Federal Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office-Courthouse referred to in section 1 shall be deemed to be a reference to the ''Judge Isaac C. Parker Federal Building''.

THE TIMOTHY C. MCCAGHREN CUSTOMS ADMINISTRATIVE BUILDING

The bill (H.R. 2415) to designate the United States Customs Administrative Building at the Ysleta/Zaragosa Port of Entry located at 797 South Zaragosa Road in El Paso, Texas, as the ''Timothy C. McCaghren Customs Administrative Building,'' was considered, ordered to a third reading, read the third time, and passed, as follows:

H.R. 2415

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States Customs Administrative Building at the Ysleta/Zaragosa Port of Entry located at 797 South Zaragosa Road in El Paso, Texas, shall be known and designated as the ''Timothy C. McCaghren Customs Administrative Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the ''Timothy C. McCaghren Customs Administrative Building''.

VINCENT E. MCKELVEY FEDERAL BUILDING DESIGNATION ACT

The bill (H.R. 2556) to redesignate the Federal building located at 345 Middlefield Road in Menlo Park, California, and known as the Earth Sciences and Library Building, as the ''Vincent E. McKelvey Federal Building,'' was considered, ordered to a third reading, read third time, and passed, as follows:

H.R. 2556

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The Federal building located at 345 Middlefield Road, in Menlo Park, California, and known as the Earth Sciences and Library Building, shall be known and designated as the ''Vincent E. McKelvey Federal Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the ''Vincent E. McKelvey Federal Building''.

CLOTURE MOTION

Mr. LOTT. Mr. President, I now move to proceed to Senate Resolution 227, the Whitewater legislation, and send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the the motion to proceed to Senate Resolution 227, regarding the Whitewater extension.

Alfonse D'Amato, Dan Coats, Phil Gramm, Bob Smith, Mike DeWine, John H. Chafee, Jim Jeffords, Frank H. Murkowski, Robert F. Bennett, Spence Abraham, Conrad Burns, Alan K. Simpson, William V. Roth, Bill Cohen, Lauch Faircloth, Slade Gorton.

Mr. LOTT. Mr. President, I ask unanimous consent that the vote occur on Thursday, April 18 at a time to be determined by the two leaders and the mandatory quorum under Rule XXII be waived.

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

Mr. LOTT. I now withdraw the motion.

ORDERS FOR WEDNESDAY, APRIL 17, 1996

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:15 am, on Wednesday, April 17; further, that immediately following the prayer, the Journal of the proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business until the hour of 10 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the following exceptions: Senator LEAHY for 10 minutes, Senator GRAMM for 20 minutes, and Senator Grams for 10 minutes; further, that the Senate then immediately resume consideration of the conference report to accompany S. 735, the terrorism bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I further ask unanimous consent that immediately following the vote on adoption of the terrorism conference report, there be 60 minutes of debate, equally divided in the usual form, to be followed by a vote on cloture on the motion to proceed to the Whitewater committee resolution.

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

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, the Senate will resume the terrorism conference report tomorrow. Under a previous consent agreement, there will be a limited amount of debate in relations to motions to recommit the conference report. Members can anticipate rollcall votes throughout the day on or in relation to the conference report prior to a vote on adoption.

Following final disposition of the terrorism conference report, there will be 1 hour of debate to be followed by a vote on cloture on the motion to proceed to the Whitewater resolution.

It is also still possible that the Senate would resume consideration of the immigration bill, if an agreement can be reached with respect to that measure.

The Senate may be asked to turn to any other legislative items that could be cleared for action.

ORDER FOR ADJOURNMENT

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order following the remarks of the distinguished Democratic leader, Senator DASCHLE.

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

TRIBUTE TO COMMERCE SECRETARY RON BROWN

Mr. DASCHLE. Mr. President, as I understand it, the resolution which honors the memory of Ron Brown is still pending, and I want to make a couple of remarks in regard to that resolution and Secretary Brown before we close tonight.

Mr. President, it is with sadness—and tremendous gratitude for the work their lives exemplified—that I add my voice to those honoring Commerce Secretary Ron Brown and the extraordinary men and women who died with him on that plane.

I am sure each of us will long remember just where we were and what we were doing when we heard that Secretary Brown's plane was missing over Croatia, and then, moments later, when we learned the plane had crashed.

In my case, I was at home—packing to leave for Bosnia, Croatia and Serbia myself.

So many thoughts raced through my mind. . . .

I thought of the meeting I was supposed to have had the following evening in Zagreb with Secretary Brown.

I thought of how, just a few weeks earlier, Secretary Brown had helped an electronics company in Rapid City work out the final details of a contract with a group in South Africa, and of all the people in my state who will be able to work because he went the extra mile for us.

But mostly I thought, what a loss. What a terrible loss our Nation had just suffered.

Ron Brown and the 32 brave Americans who accompanied him on that noble mission to Bosnia represented what is best about our Nation:

A ''can do'' sense of optimism and determination.

A generosity of spirit.

And an unshakable belief in democracy.

The men and women on that plane did not go to Bosnia simply to bring contracts to America—as important as that is.

They went to bring hope and prosperity to Bosnia so that the fragile peace there might take root and grow, and democracy might replace tyranny.

Hours after Secretary Brown's plane crashed into that mountain, I was on another plane with Senators HATCH and REID. We spent 9 days in Bosnia, Croatia and Serbia and four neighboring states, assessing progress in the implementation of the Dayton peace plan.

Every world leader with whom I met stressed the importance of both promoting economic growth and building democratic institutions to achieving a sustainable peace in the Balkans. Those were the very goals to which Ron Brown's trip to Bosnia was dedicated.

In an article I read, a woman who had worked with Secretary Brown said it wasn't just that he saw a glass half-full when others saw it half-empty. His optimism was bigger than that. Where others saw a half-empty glass, she said, he saw a glass overflowing with possibilities.

It would take that kind of vision to see the path to a lasting peace in Bosnia.

Ron Brown was able to see that path. And, he was able to make others see it.

He was a good salesman. What he sold was America—not just American goods and services, but American ideals.

The reason he could sell America with such confidence is that he believed in America, and in the goal of making America—and the world—better.

Ron Brown spent his life transcending boundaries.

Boundaries of race.

Boundaries of party.

Boundaries drawn on maps.

And in transcending those boundaries, he made them less formidable for all of us. That is part of the great legacy he has left us.

I have been reminded these last few days of a scene in the Shakespearean play, Julius Caesar. It is the scene at Caesar's burial. Caesar has just been falsely maligned by Brutus as a traitor.

Then Mark Antony rises to recall the Caesar he knew.

He was, Mark Antony said, a man who loved his country so much he gave his life for it.

Then he stunned the crowd by reading them Caesar's will. He had left all of his possessions to the people of Rome.

Even more precious, he had left his fellow citizens a legacy of greatness and the ability, to quote Shakespeare, ''to walk abroad and recreate yourselves.''

Ron Brown and the men and women on that plane died trying to recreate the American spirit of democracy and opportunity in a land torn apart by war.

It is right that we offer these tributes to them. But, in the end, the best tribute we can pay them is to keep alive their determination to recreate what is best about America wherever people long for freedom and justice and opportunity.

Let us today rededicate ourselves to that noble cause.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I wish to commend the distinguished Democrat leader for his remarks. I would like to ask unanimous consent that I might add just a few comments of my own.

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

TRIBUTE TO COMMERCE SECRETARY RON BROWN

Mr. WARNER. Mr. President, I, too, like the distinguished minority leader, remember where I was when this tragic message came. I first thought to myself that not too many months prior thereto I was with our distinguished colleague on a similar mission in that region. Senator BOB KERREY and I were over there, and we actually landed at the same airport. This was my fifth trip. I was the very first Senator to make a trip to Sarajevo some more than 3½ years ago. The thought came to my mind where the Secretary had given his life, together with the aircrews'—aircrews that all of us have traveled with. I traveled with those crews and their predecessors for 20-plus years formerly as Secretary of the Navy and now in the U.S. Senate. They are a very dedicated and well trained group of officers and enlisted men. The finest the Air Force has, really, are dedicated to those missions. Those aircraft are somewhat old, but they are well kept. They are not palatial.

Of course, with the Secretary were a very distinguished group of Americans from the private sector, and journalists also, who were going to examine that war-torn region, to help provide for those less fortunate than ourselves, who have suffered the tragedies of that conflict, a conflict of which to this day, although I have studied it, I cannot understand the root causes.

But, nevertheless, I had known the Secretary. While we are of opposite political persuasions, I always remember him as a man of great humor. I never saw him without a twinkle in his eye. Always he put forward his hand. There were several stressful periods in his life and I always stretched out my hand, because those of us in public office know from time to time there are periods that put us to the test. But he met the tests and he served his Nation.

I join the distinguished minority leader and my colleagues in paying our tribute to him as a fine American, to the aircrews, to all passengers who were on that plane. We give our heartfelt compassion to the families that must survive this tragedy and go on to lead constructive and meaningful lives.

Mr. President, I thank the Chair and distinguished minority leader.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

The PRESIDING OFFICER. The Senate, under the previous order, will stand adjourned until 9:15 a.m., Wednesday, April 17, 1996.

Thereupon, the Senate, at 7:55 p.m., adjourned until Wednesday, April 17, 1996, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate April 16, 1996:

GENERAL SERVICES ADMINISTRATION

DAVID J. BARRAM, OF CALIFORNIA, TO BE ADMINISTRATOR OF GENERAL SERVICES, VICE ROGER W. JOHNSON, RESIGNED.

NUCLEAR REGULATORY COMMISSION

HUBERT T. BELL, JR., OF ALABAMA, TO BE INSPECTOR GENERAL, NUCLEAR REGULATORY COMMISSION, VICE DAVID C. WILLIAMS.

DEPARTMENT OF STATE

JOHN CHRISTIAN KORNBLUM, OF MICHIGAN, TO BE AN ASSISTANT SECRETARY OF STATE, VICE RICHARD HOLBROOKE, RESIGNED.

BARBARA MILLS LARKIN, OF IOWA, TO BE AN ASSISTANT SECRETARY OF STATE, VICE WENDY RUTH SHERMAN, RESIGNED.

EXTENSIONS OF REMARKS

THE INTELLIGENCE COMMUNITY ACT

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1996

Mr. COMBEST. Mr. Speaker, I have introduced today the Intelligence Community Act. This bill represents an important stage in our committee's major project, IC21: The Intelligence Community in the 21st Century.

The Intelligence Community Act makes comprehensive changes in how we manage intelligence. I would like to outline for my colleagues the principles that have led to this legislation.

First and foremost, the United States continues to need a strong, highly capable and increasingly flexible intelligence community. Our national security concerns are more varied and in many ways more complex than they were during the cold war.

The United States needs an intelligence community that is more corporate, i.e., one that works better together as a more coherent enterprise aiming toward a single goal the delivery of time intelligence to policy makers at various levels.

A key issue is opportunity, not reform. In the aftermath of our cold war victory we are more secure than we have been since 1940. This is a good time to update and modernize intelligence.

IC21 is not a budget or staffing exercise. It is an effort to ascertain the type of intelligence community we will need as we enter the next century. Issues of cost and size should be debated during the regular legislative budget deliberations.

Finally, the focus must be on where the intelligence community needs to be in the next 10 to 15 years, not a snapshot of where we are today.

With these principles—flexibility, ''corporateness,'' opportunity, future vision—in mind, the Intelligence Community Act proposes several changes. Among them are:

A more clearly defined central role for the Director of Central Intelligence [DCI] as head of the intelligence community, including expanded authority over resources and personnel. The DCI would also continue to be directly responsible for the CIA, clandestine services and the community management staff.

Re-establishing the Committee on Foreign Intelligence within the National Security Council, to provide regular guidance and feed back to the DCI.

Creating a second Deputy DCI. One Deputy DCI would run CIA, the other would run the community management staff, thus giving the DCI greater back-up and support for this two major responsibilities—the CIA and the intelligence community.

The Director of the Defense Intelligence Agency [DIA] would be designated as the Director of Military Intelligence, the senior uniformed military intelligence officer.

CIA would be confirmed as the premier all-source analytical agency. DIA continues to be the focal point for managing Defense all-source analysis.

The Clandestine Service, comprising current CIA and Defense clandestine human collectors, would be combined into a single entity and separated from CIA.

A new Technical Collection Agency [TCA] would manage the technical collection activities of signals, imagery and measurement, and signatures intelligence.

A new Technology Development Office [TDO] would manage intelligence community research and development.

The current National Intelligence Council would become the National Intelligence Evaluation Council, with the key responsibility of making sure that intelligence means and ends are correlated, and that every effort is made to provide the best intelligence to policy makers.

IC21 also comprises a number of nonlegislative proposals that will be found in the unclassified staff studies, which would be available later this week.

I want to thank the staff members of the Permanent Select Committee on Intelligence who have devoted much of the last year to this effort. The bill I have introduced today is a testament to their hard work and to their vision.

I urge my colleagues to look over this bill carefully, and the staff studies as well. The staff of the intelligence committee is always available for questions and consultation.

This is a daunting agenda and an important one. Informal discussions among the staff of interested congressional committees in the House and Senate and with the executive indicate agreement on many of the principles I have outlined. I optimistically look forward to working with my colleagues over the next few months to pass a bill that will give us the intelligence community we will need as we enter the 21st century.

PERSONAL EXPLANATION

HON. HELEN CHENOWETH

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1996

Mrs. CHENOWETH. Mr. Speaker, on Tuesday, March 12 and Wednesday, March 13 last week, I was unable to be here due to an illness in the family and missed rollcall votes 56–61.

Had I been here, I would have voted: ''No'' on rollcall vote 56, ''Yea'' on rollcall vote 57, ''Yea'' on rollcall vote 58, ''No'' on rollcall vote 59, ''No'' on rollcall vote 60, and ''Yea'' on rollcall vote 61.

HONORING RETIRING NORTH MIAMI POLICE DEPUTY CHIEF LAURENCE R. JURIGA

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1996

Mrs. MEEK of Florida. Mr. Speaker, after more than 31 years of service with the North Miami Police Department, Laurence R. Juriga retired on April 10, 1996. He began his career in 1964 as a patrol officer and is retiring as deputy chief of police.

Chief Juriga distinguished himself over three decades as an officer of the utmost integrity and professionalism. His rise from patrol officer to deputy chief attests to his abilities. He possesses a wealth of practical and administrative knowledge for which his peers turn to him when seeking input on wide-ranging topics. The entire North Miami police force views him with esteem and respect.

Beyond his normal job duties, Chief Juriga established himself as a vibrant member of the North Miami community through unparalled participation in community activities. He has been instrumental in organizations including the Police Officers Assistance Trust, the North Miami Foundation for Senior Citizens, and the Dade County Association of Chiefs of Police. He has been active in the Special Olympics and the Easter Seal program.

Chief Juriga also initiated the North Miami Police Department's Angel Network, a system through which more than 2,800 gifts were collected and distributed to needy children this past Christmas. These behind the scenes efforts are exactly what set Chief Juriga apart from the norm.

As he moves forward with his wife, Nancy, into the next phase of his life, I wish him continued happiness.

NATIONAL MEDICAL LABORATORY WEEK

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1996

Mr. BONIOR. Mr. Speaker, there are more than a quarter million certified laboratory personnel, including pathologist, medical technologists, clinical laboratory scientists, and specialists, practicing preventive medicine in more than 12,000 medical laboratories in the United States.

These highly trained and dedicated professionals make invaluable contributions to the quality of health care in the United States. They save countless lives by providing reliable test results required for prevention, detection, diagnosis, and the treatment of illness and disease. By carefully performing high quality tests and providing reliable information, these vital

health care workers help physicians make diagnosis, early, when cures are most likely to succeed. Test results may also help rule out certain conditions thereby avoiding unnecessary treatment, saving money, and most importantly, ensuring the proper treatment.

We all must take responsibility for our health, but ultimately, our well-being depends on the cooperation and coordination that exists between the many individuals devoted to maintaining health. Doctors, nurses, dietitians, teachers, parents, and the staff at our Nation's medical laboratories all play important roles.

The dedicated professionals who work in these laboratories save lives every day. They play a crucial role in the delivery of health care services in America and I am proud to join with the Michigan Society for Clinical Laboratory Science in recognizing this week, April 14–20, 1996, as National Medical Laboratory Week.

TRIBUTE TO CAPTAIN ROBERT B. SHIELDS, U.S. NAVY

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1996

Mr. SPENCE. Mr. Speaker, I rise today to ask my colleagues to join me in paying tribute to a dedicated U.S. Navy officer, gentleman and a friend as he prepares to take command of the U.S.S. *Vicksburg,* CG–69.

Most of you will remember Capt. Robert B. Shields for his tour as a deputy legislative assistant to the Chairman of the Joint Chiefs of Staff. Captain Shields served in this challenging position with honor and distinction until last year, when he returned to the fleet to prepare to take command on one of our finest ships–and *Aegis* Class cruiser.

He has been connected with the Congress in one position or another for over 5 years of his distinguished 23-year Navy career. Captain Shields' accomplishments are an integral part of the continuing saga of the U.S. Navy in its third century of service to the Nation as it fully realizes the talent and potential of men who ply the sea in the service of our great Nation. I would like to take a moment to highlight Bob's career milestones.

A native of Providence, RI, Captain Shields is a graduate of the U.S. Naval Academy, Annapolis, MD, class of 1972. Captain Shields also earned a master's degree in engineering acoustics from the Naval Post Graduate School. His military career began in 1972 with his first assignment to U.S.S. *Alwin* where he was first lieutenant and anti-submarine warfare officer. His second shipboard tour came when he commissioned U.S.S. *Nicholson* and served as her weapons officer. He then served his third shipboard tour as weapons officer in U.S.S. *Richmond K. Turner.*

Capitalizing on his demonstrated leadership skills, the Navy sent Captain Shields to attend the Royal Navy Staff College in Greenwich, England. this was followed by service as executive office in U.S.S. *Sterett,* then homeported in the Republic of the Philippines. Detaching from his executive officer tour, Captain Shields was assigned to the office of the director, research, development and acquisition and then completed a year as a Federal executive fellow at the American Enterprise Institute. His first exposure to congress came when he was assigned as the congressional Liaison office for surface ship programs in the Nary's Office of Legislative Affairs. Upon conclusion of that assignment, Captain Shields took command of U.S.S. *O'Bannon.* With that successful tour behind him, Captain Shields was hand picked to be a legislative assistant to the Chairman and Vice-Chairman, Joint Chiefs of Staff.

Captain Shields has been awarded the Defense Distinguished Service Medal, the Meritorious Service Medal, four Navy Commendation Medals, and the Joint Meritorious Unit Commendation. He is married to the former Jennifer Reith of London, England, and has two wonderful children, Sarah and Robert.

Bob was one of the principal liaison officers to Congress for both General Powell and General Shalikashvili during momentous times in our Nation's history—the end of the cold war, Operations Provide Promise, Provide Hope, Provide Comfort, Southern Watch, Deny Flight, and Restore Democracy, among countless other military operations and exercises. During the restoration of democracy in Haiti, he accompanied Members of this House on a fact-finding delegation to that troubled country. He has served as the Chairman of the Joint Chiefs of Staff's principal liaison with the House National Security Committee and the House Appropriations Committee. I and many others of this body have often depended on him to be on top of the national security issues of the day, complete with timely, sound, and accurate information and advice.

Mr. Speaker, it is a great honor and personal privilege for me to pay tribute to Capt. Robert B. Shields before the Congress in honor of his taking command of U.S.S. *Vicksburg* on May 3, 1996. It is clear, through a record of accomplishment, Bob is someone dedicated to the peace and freedom this Nation enjoys today. We wish him every success as he assumes his new command and for what I know will be a bright future. May he always have fair winds and following seas.

INTRODUCTION OF SMALL BUSINESS OSHA RELIEF ACT

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1996

Mr. BALLENGER. Mr. Speaker, today I and several of my colleagues are introducing the Small Business OSHA Relief Act of 1996.

Mr. Speaker, nearly 1 year ago, President Bill Clinton traveled to a small sheet metal plant in northwest Washington, DC, and declared that it was time to create a ''new OSHA.''

I certainly agree with the President on the need to change OSHA. OSHA, said President Clinton, needs to change so that its emphasis is on ''prevention, not punishment,'' and so that the agency uses ''common sense and market incentives to save lives.''

Throughout the past year, no doubt largely in response to initiatives here in Congress to reform OSHA, the Clinton administration struggled to convince us and the American public that OSHA was being reinvented. Assistant Secretary Joe Dear, for example, said in congressional testimony last year: ''If there is one single message you take away from this hearing today, I hope it is this: that OSHA is changing the way it does business.'' The marks of the new OSHA, according to the Assistant Secretary, would be the elimination of inspection and penalty quotas; a less confrontation approach to enforcement, including reductions in penalties for employers who promptly correct violations; and commonsense regulations.

Whatever the genesis for this recognition of the need to change OSHA by the Clinton administration, I, and I know many of my colleagues as well, have applauded it. The direction of these changes is the same as we have pushed for in H.R. 1834, the Safety and Health Improvement and Regulatory Reform Act. Obviously what the Clinton administration has proposed does not go as far as H.R. 1834, and in my view does not go far enough. But they at least move OSHA in the same direction.

President Clinton announced that he would veto H.R. 1834 even before that bill was marked up in subcommittee. It was clear from the circumstances of that veto message that it had much to do with Presidential election politics and little to do with the legislation itself, but the promise of a veto effectively stopped realistic prospects for enacting comprehensive OSHA reform this year.

Nonetheless, I believe it is important to solidify the progress that has been made in changing OSHA in the direction that Republicans and many of my Democratic colleagues have called for for years, and which President Clinton called for 1 year ago. For that reason, I am introducing the Small Business OSHA Relief Act of 1996.

The Small Business OSHA Relief Act of 1996 is comprised of five provisions, each of which comes directly from policy pronouncements by the Clinton administration.

The first provision comes from statements made by Labor Secretary Reich in support of measuring and balancing the costs and benefits of OSHA standards, consistent with the administration's goal for OSHA of more ''commonsense regulations.''

The second provision adopts President Clinton's directive of April 21, 1995, granting a waiver of penalties for small businesses which correct violations within a reasonable period of time. As President Clinton said in announcing that directive, ''We will stop playing 'gotcha' with decent, honest business people who want to be good citizens. Compliance, not punishment, should be our objective.''

The third provision adopts and follows an OSHA compliance directive issued in November 1995 regarding citations for paperwork violations. In recent years, a majority of the most commonly cited OSHA standards are paperwork requirements. OSHA's compliance directive recognizes that these paperwork violations have often been technical and nitpicking, and don't address real health or safety problems. Including this change in the statute will give employers and employees assurance that this common sense change will be more permanent than is the case with a compliance directive.

The fourth provision codifies OSHA's State consultation grants program. The consultation grants program was created by OSHA to assist small businesses in improving safety and health in their workplaces. Historically, these grants, which are given to State agencies or colleges in each State to provide consultation

services, have been underfunded, requiring employers who seek assistance to wait up to 2 years for assistance. The Clinton administration has endorsed the codification of the consultation grants program.

The fifth and last provision of the bill would codify another mark of the new OSHA—elimination of the use of inspections, citations, and penalties as performance measures for inspectors and their supervisors.

The Small Business OSHA Relief Act codifies the positive changes to OSHA on which the Clinton administration and we agree, so that we can build on those and continue to work constructively to create a truly new OSHA.

I welcome my colleagues' support and cosponsorship of the Small Business OSHA Relief Act of 1996.

TAX DAY

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1996

Mr. PACKARD. Mr. Speaker, today millions of Americans will scramble to file their taxes. My Republican colleagues and I are fighting hard to ensure that all Americans keep more of their hard earned money.

Taxpayers deserve relief now. That is why my colleagues in both the House and the Senate passed the Contract With America's tax relief plan. Americans need tax reform, but that will not happen overnight. While we consider tax reform in Congress, there are a number of things we have done to lift the burden from America's families and encourage economic growth. We passed a $500 child tax credit for families. We provided capital gains tax relief. We expanded IRA's, just to name a few. Unfortunately, President Clinton vetoed the Republican plan. With the stroke of a pen he vetoed pro-family, projob tax relief.

In spite of the President's veto, we must continue to do what is right for America. The protaxpayer agenda we begin to consider today is a tremendous step in the right direction. The tax limitation amendment, by requiring a two-thirds vote to raise taxes, will reign in escalating taxes. It will finally put an end to the roller coaster ride of the IRA's tax code and return fiscal responsibility to Washington. Almost every State that has implemented tax and spending limitations has witnessed below average growth is State spending and higher than average economic growth.

As Daniel Webster Said, ''An unlimited power to tax involves, necessarily, the power to destroy.'' Mr. Speaker, my Republican colleagues and I are committed to protecting America's families from tax-and-spend Washington. Americans not only need tax protection they need tax relief.

A TRIBUTE TO ALLEN ''BUD'' SPENCER

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1996

Mr. WELLER. Mr. Speaker, today, I'd like to honor Allen ''Bud'' Spencer for his 27 years of dedicated service as director of Twin Oaks Savings Bank. While we wish him well in his retirement, his commitment and hard work will be greatly missed.

Mr. Spencer's long career started in World War II where he served as a tank commander and platoon leader in the 745th Tank Battalion of the First Infantry Division or ''The Big Red One.''

His length of service can be noted in the number of battles he fought in: Normandy Beachhead, St. Lo Breakthrough, Falaise Pocket, Battle of Mons, Seigfried Line, Battle of Aachen, Hurtgen Forest, Battle of the Bulge, Roer and Rhine, Remagen Bridgehead, Ruhr Pocket, and Harz Mountains.

For his bravery and patriotism, Mr. Spencer received the Silver Star, two Bronze Stars, the Purple Heart, and a battlefield commission. Thank you for your service to our Nation.

Mr. Spencer also gave to his community. After the war he owned and operated Spencer's Insurance and subsequently was elected director of Marseilles Building & Loan in 1969 where under his guidance the business prospered and flourished. In 1976, he was elected president and chairman of the board and under his leadership a new bank building was constructed and consumer loans, ATM cards, and checking accounts were added.

Mr. Spencer, thank you for your dedication and devotion to not only your country, but your community, neighbors, friends, and family. You will be missed.

A TRIBUTE TO ROLLAND E. ALEXANDER II

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1996

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of CSM Rolland E. Alexander II. Alexander will be recognized at a celebration in his honor on April 20 as he retires after nearly 40 years in the California Army National Guard.

CSM Alexander is a third generation Californian and was born in San Francisco. A graduate of Rio Hondo College, he is also a second generation national guardsmen following his father's service in World War I. CSM Alexander enlisted in 1957 as a member of Battery C, 215th Field Artillery, 40th Armored Division, now designated as Battery C, 2d Battalion, 144th Field Artillery, 40th Infantry Division (Mechanized). In his civilian capacity Alexander works as a technical consultant in marketing services for the Southern California Edison Co.

While assigned to the battery, CSM Alexander has served in a number of positions including cannoneer, gunner, section sergeant, and chief of firing battery. Over the years, he has served in a variety of capacities and has served as CSM of Detachment 3, State Area Command, Los Alamitos Armed forces Reserve Center, Los Alamitos, CA, since December 1993.

CSM Alexander has been recognized for his service and is the recipient of numerous commendations including the Meritorious Service Medal, Army Commendation Medal, Army Achievement Medal, California Commendation Medal, California Medal of Merit, Good Conduct Medal, California State Service Medal, the Order of St. Barbara, and others.

CSM Alexander is currently the president of the Sergeants Major Association of California, life member of the California Enlished Associaton of the National Guard of the United States, the National Guard Association of California, National Rifle Association, California Rifle and Pistol Associaton, and many other civic oriented associations.

Mr. Speaker, I ask that you join me, our colleagues, CMS Alexander's family, and many friends in honoring him for his years of dedicted service. After serving our State and country well for nearly 40 years, it is only appropriate that the House recognize CSM Alexander today as he begins his well deserved retirement.

RECOGNITION OF WILLIAM H. BOWERS

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1996

Mr. MURTHA. Mr. Speaker, I would like to say a few words of congratulations and thanks to a distinguished member of the community in my district. A lifetime member of American Legion Post 57, and the most recent Western Vice Commander, William H. Bowers has made numerous outstanding achievements that have greatly benefitted his fellow veterans and citizens in his home county of Indiana, PA.

He has held numerous offices in addition to the American Legion Western Vice Commander. While serving as post commander, Saltsburg, he received the National Americanism Award. He has been honored as Post Commander of the Year in Pennsylvania, as well as Indiana County Veteran of the Year; in addition he has served as Commander of the Indiana County United Veterans, Indiana County Commander, District 27 Commander, District 27 Adjutant, and Vice Chairman of the Citizens Flag Allegiance. He has also been recognized by the ROTC for his many accomplishments.

In addition to being a lifetime member of the American Legion, Commander Bowers is also a member of the VFW Post 7901, Amvets Post 277, and VVA Chapter 286.

Among his many civic contributions are establishing bylaws for the Indiana County United Veterans Advisory Council and serving as chairman of the Indiana County Veterans Memorial Committee. He organized and still serves as the CEO of Boy Scout Troop No. 157 in Saltsburg and manages the Young Township senior legion baseball team. He has also been a guest speaker at the Indiana University of Pennsylvania's sociology department representing VVA Chapter 286.

1991 was a very painful year for us in and near the 12th district of Pennsylvania, when 25 local gulf war soldiers were killed in action. Commander Bowers gave a memorable tribute to those young men and women by organizing a veterans honor guard of over 300 veterans with colors for their funerals. Commander Bowers was also instrumental in having a gulf war honor roll erected on the Indiana County Courthouse lawn, listing all Indiana County veterans serving in the Gulf.

William H. Bowers served in the Army with the Military Assistance Group overseas.

I salute Commander Bowers for his lifelong dedication to his fellow soldiers and his community.

HONORING SHERIFF CHARLES A. FUSELIER, SHERIFF OF THE YEAR

HON. JAMES A. HAYES

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1996

Mr. HAYES. Mr. Speaker, when I heard that my friend of over 25 years was being honored by the National Sheriff's Association as Sheriff of the Year, I was gratified to know that the national law enforcement community was finally acknowledging what the citizens of St. Martin Parish and all of Acadiana have known for a long time—that Charles August Fuselier is one of the most effective, top flight sheriffs in the country.

In his statement, Sheriff Fuselier said he was ''shocked'' to learn of his selection by the National Sheriff's Association. He should not have been. Charles Fuselier's dedication to public service and the protection of the public in his rural South Louisiana Parish is unparalleled. Like his father before him, Sheriff Fuselier demonstrates every day total commitment to making St. Martin Parish a safer place to live, work, and raise a family.

Through his leadership and his work on the Triad Program, St. Martin Parish became a testing ground and model for all of America in preventing crimes against our senior citizens. The Triad forms a coalition between local sheriffs, police chiefs, and senior citizens groups to reduce the victimization and unwarranted fear of crime which disproportionately plagues senior citizens. By bringing the Triad concept to life, Sheriff Fuselier has opened up the lines of communication with seniors in the community and has made the seniors feel more comfortable and trusting that their interests will be protected.

Sheriff Fuselier once told me that he received more than a 10-fold return on his investments using volunteers, who work in his office 2 to 3 days a week, so that crimes have been quickly resolved because of greater senior participation. While in the Congress I may have worked to ensure Federal involvement in Triad, but Triad is growing across the country because of the efforts and devotion of Sheriff Fuselier. The Triad information network has the potential to be the cornerstone of future crime fighting activities within the seniors community.

I commend the National Sheriff's Association for bestowing my friend with this honor and congratulate Sheriff Fuselier for the great achievement of being named ''Sheriff of the Year.''

HONORING MEL DEARDORFF

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1996

Mr. BAKER of California. Mr. Speaker, America's firefighters serve on the frontlines of public safety. Risking their lives and health to save people at risk, their courage and resourcefulness are the watchwords of their profession.

No one better typifies the finest traditions of firefighting than Mel Deardorff. Mel retired recently after 35 years of service in the San Ramon Valley region, for the last 8 years serving as fire chief of the San Ramon Valley Fire Protection District.

Mel helped reduce the Insurance Services Office rating in the San Ramon region; was influential in establishing expanded firefighting services; facilitated a new paramedic program; added engine company, fire prevention, and clerical staff; and made many other contributions to fire safety in the East Bay region of San Francisco. He was a member of many professional organizations, including the International Association of Fire Chiefs and California Fire Chiefs.

Mel Deardorff was a public servant whose leadership, commitment, and dedication helped enable residents of the San Ramon and Danville, CA communities to go to sleep knowing that they were in good hands. As a resident of Danville for 25 years. I am thankful for all Chief Deardorff has done for my hometown and the San Ramon Valley region. He deserves sincere thanks from people throughout Contra Costa County, and I am pleased to have this opportunity to recognize him in the CONGRESSIONAL RECORD.

TRIBUTE TO DR. RICARDO ALEGRIA

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1996

Mr. SERRANO. Mr. Speaker, it is with great honor that I rise today to pay tribute to a very distinguished countryman, Dr. Ricardo Alegria, for his outstanding contributions to the investigation, preservation, and recognition of the culture and history of Puerto Rico.

Dr. Alegria, is one of the pioneers who established the studies on archaeology, anthropology, and culture of Puerto Rico and the Caribbean. Yesterday, which was also his birthday, the Smithsonian Institution awarded him the Smithsonian Bicentennial Medal for his great legacy to Puerto Rican culture and history.

Dr. Alegria is well known as a humble man, always accessible to the people, and a profound thinker in all his areas of inquiry. He is internationally recognized as the most distinguished Latin American in the field of preservation of historic cities and in the studies of the anthropology and archaeology of Puerto Rico and the Caribbean.

His interest in the study of mankind and how humans identify themselves with their surroundings started at a very early age; as a child he opened a small museum at his home with pieces and little stones that he had collected from the ground at his family farm.

He studied at the University of Puerto Rico, and obtained a master in archaeology from the University of Chicago and a Ph.D. in archaeology from Harvard. After his return to the island, young Dr. Alegria went to Loiza and Luquillo where he performed excavations that uncovered evidence of our earliest inhabitants, the arcaicos, and of the later Indians, the igneris.

In 1955, Dr. Alegria became the director of the Institute of Puerto Rican Culture. Under his leadership, the institute enhanced the recognition of, strengthened, and promoted Puerto Rican culture as a heritage with Indian, African, and Spaniard influences, as well as its own folklore traditions. For his willingness to engage in the enormous task of investigating and compilating historical data on Puerto Rico and for the resurgence of the popular arts we owe him a great debt of gratitude.

Some of his published works include the History of Our Indians (''Historia de Nuestros Indios''), Folkloric Tales of Puerto Rico (''Cuentos Folklóricos de Puerto Rico''), Anthology: the Theme of Coffee in Puerto Rican Literature (''Antología: El Tema Del Café en la Literatura Puertoriqueña'') and the magazine published by the Institute of Puerto Rican Culture, (''Revista del Instituto de Cultura Puertorriqueña'').

One of his most important accomplishments, for which he received the Picasso Gold Medal of the United Nations Educational, Scientific, and Cultural Organization, is the restoration and preservation of Puerto Rican historical monuments. A very special award, the Picasso Medal has only been awarded to Dr. Alegria and to the historical village of Paris. Among the historical monuments that were restored under Dr. Alegria's supervision were the Indian Ceremonial Center, the Church of Porta Coeli, and the capital of Puerto Rico, Old San Juan, which is now a jewel among the historic sites of the Americas.

Dr. Alegria is internationally renown as an eminence in the restoration of historic cities, as well as for his patronage of the arts. From directing the Center of Advanced Studies in Puerto Rico and the Caribbean, and founding the Center of Archaeological and Ethnological Investigations of the University of Puerto Rico, to the reorganization of a great number of museums in Puerto Rico, Dr. Alegria has left a legacy of devotion and dedication to the instruction and preservation of the Puerto Rican culture.

Among other honors, Dr. Alegria received the Medal of Isabel La Católica, awarded by the Spanish Government and the Medal of the Fifth Centenary of the Discovery of America and Puerto Rico, bestowed by the Puerto Rican Government.

The Puerto Rican people and the Puerto Rican community, here in the United States and all over the world are in debt to Dr. Alegria for his outstanding contributions to the study, celebration, and promotion of our culture and history. In my congressional district of the South Bronx, and in all of New York City, as well as, throughout the Americas, we are all beneficiaries of his cultural heritage.

Mr. Speaker, I ask my colleagues to join me in recognizing the great contributions of Dr. Alegria, hero of the Puerto Rican culture.

TRIBUTE TO RICHARD A. BROWN

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1996

Mr. MANTON. Mr. Speaker, I rise today to pay tribute to Mr. Richard A. Brown honored

April 18 as the Judiciary of Queens County by the Queens Borough Lodge of Elks.

Mr. Speaker, Mr. Brown is an distinguished judge who has long served the community of Queens in many different capacities. He is a member of the American Bar Association, the New York State Bar Association, the Association of the Bar of the City of New York and the Queens County Bar Association.

District Attorney Richard A. Brown of Queens County was born in Brooklyn, NY on November 13, 1932. He received his Bachelor of Arts degree from Hobart College in 1953, was graduated from New York University School of Law in June 1956 and was admitted to the Bar by the Appellate Division, Second Department in October 1956. Judge Brown is married and resides in Forest Hills, NY with his wife and three lovely children, Karen, Todd, and Lynn.

Mr. Speaker, Mr. Brown has served the State of New York in numerous ways since becoming a member of the Judiciary in 1973. He spent 9 years serving in various important legal positions on behalf of the leadership of the New York State Senate and Assembly and at the 1967 New York State Constitutional Convention and 4 years as New York City's legislative Representative in Albany where he managed the city's Albany office and supervised its legislative program.

After serving as a Judge of the Criminal Court for less than 2 years, Judge Brown was appointed the Supervising Judge of the Brooklyn Criminal Court. In 1976, he was designated as an Acting Justice of the Supreme Court of the State of New York and was given the added responsibility for supervising the operations of the Criminal Court in Richmond County.

Mr. Speaker, in 1977, Judge Brown was elected a Justice of the Supreme Court in Queens County. He then served as the Governor's chief legal advisor for 3 years before returning to the Supreme Court as an Associate Justice of the Appellate Division, Second Department where he was twice redesignated as a member of the Appellate Division by Governor Mario M. Cuomo.

On June 1, 1991, Judge Brown accepted Governor Cuomo's appointment as the District Attorney of Queens County and was reelected without opposition to another full term in 1995. Under Judge Brown's leadership, the Queens District Attorney's Office has attained an extraordinary reputation as one of the finest prosecutor's offices in the State. Throughout his career, Judge Brown has served the judicial community and the people of New York with unwavering dedication.

Mr. Speaker, I am proud to recognize the achievements of Richard A. Brown, and I know my colleagues join me in congratulating him as he is honored by the Queens Borough Lodge of Elks.

INTRODUCTION OF THE DISTRICT OF COLUMBIA ECONOMIC RECOVERY ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1996

Ms. NORTON. Mr. Speaker, today I am introducing the District of Columbia Economic Recovery Act [DCERA], a bill to provide a Federal tax reduction to the residents of the District of Columbia. The bill comes at a time when the city's financial viability is in peril. The Constitution obligates the Congress to maintain the Capital of the United States. The DCERA will allow Congress to do so without direct aid, by encouraging middle income residents to remain and to move to the District.

Last February, the Washington Post reported that the District has already lost more residents in the 1990's than in the entire decade of the 1980's. The District's tax base is declining so rapidly that it is doubtful that it will gain the ability to support itself, notwithstanding even the most dramatic reduction in the size of its government. In 1993, for example, only 9,838 D.C. residents or 3.4 percent of the tax filers were solidly middle income in the $75,000 to $100,000 range, while 65 percent had incomes of $30,000 or less. Ominously, 11.5 percent of D.C. tax filers had an income between $50,000 and $100,000, compared with almost 20 percent nationally.

The bill seeks to accomplish the goal of replenishing middle income residents and families through a Federal tax discount. The tax is progressive because it has large initial exemptions ($15,000 for single filers, $25,000 for single heads of household, and $30,000 for married joint filers); the mortgage interest deduction and the charitable giving deductions are retained; and a uniform tax rate of 15 percent is applied in a progressive fashion up the income scale. Only bona fide District residents can qualify for this special rate and only on their D.C. sourced income. The bill defines a bona fide resident as one who has maintained his or her place of abode in the District, been physically present in such a place of abode for at least 183 days of the taxable year, and has paid District of Columbia income taxes. Naturally, District residents who work in the metropolitan region will also benefit from the tax deduction. The metropolitan region is defined by the Federal Government's ''Consolidated Metropolitan Statistical Area.''

The bill exempts capital gains, so long as they are District investments by bona fide District residents. This provision is meant to stimulate investment in D.C. businesses and other economic development. In come from Social Security and from the qualified pension plans of bona fide D.C. residents are considered D.C. sourced and thus eligible for the tax reduction. Investment income on activity within the District will also qualify for the special tax rate. In short, income from outside the District or the region will not get the benefit of the DCERA. The provisions of the bill restricting the tax reduction to D.C. residents on their D.C. sourced income are designed to prevent speculators and wealthy people from taking advantage of the bill or turning the District into a tax haven. A freeze on property taxes is an additional safeguard that I am seeking from the city council.

Some Members will question why the District should receive a Federal tax reduction that is not available to other jurisdictions. This unique bill is being considered only because of the unique responsibility of the Congress for the Capital of the United States and because a grave financial crisis threatens the District's viability as a city. The District has no State to help support it, and therefore lacks any additional sources for a long-term revenue stream or other necessary ongoing relief. The District is the only city without a State to recycle revenue from wealthier areas; the only city that pays for State, county, and municipal functions; and the only city prevented by Congress from taxing commuters who use city services. As a result, the District is a financial orphan without a State to bear State costs, such as Medicaid and prisons, and without access to the other aid that States regularly give to their troubled big cities. Because none of the usual remedies is available to the District, a tax cutting approach to stem the hemorrhage of taxpayers holds virtually the only promise.

As this House is well aware, the District is in a state of fiscal insolvency and cannot borrow from Wall Street, but only from the U.S. Treasury. A Control Board was appointed nearly a year ago and is working to downsize the Government (10,000 jobs by 1999—5,600 jobs already eliminated), control spending, and return the District to financial solvency. When New York, Philadelphia, and Cleveland became insolvent, State aid and State takeover of city functions were critical to the recovery of those cities. That possibility does not exist presently for the District, the only city in the United States without a State. As a result, there is little prospect that the city can become self-supporting without extraordinary measures.

In the absence of state aid, this Federal tax reduction is the only remedy that has the potential in this Congress to allow the District to recover from its insolvency. I believe that this approach could also serve as a model for States which want to encourage taxpayers to remain in large cities, by reducing State income taxes for city residents; but, of course, only Congress can provide such a remedy for the District. The value of a tax reduction is in the encouragement it gives to residents to remain in a city with many problems, paying high city taxes, maintaining the schools and other services, and otherwise halting decline because of increased taxpayer presence.

The District is the only jurisdiction that flies the American flag where residents pay Federal income taxes, but do not have full representation in the House and have no representation in the Senate. The four territories pay no Federal income tax at all, while the District is second per capita in the payment of Federal income taxes. This bill will not give the District full equity in this regard—D.C. residents would continue to pay Federal taxes without full congressional representation and full self-government. The District seeks only sufficient tax relief to help sustain itself through income from its own residents—as most jurisdictions do—in the absence of other viable alternatives.

I believe that the District of Columbia Economic Recovery Act fits the tax cutting mood of the country and of both parties and the administration. I ask the Members of this House to join me in our efforts to save the District of Columbia through this bill.

THE COMMUNITY MOBILIZATION CONFERENCE AND TRAINING ON GANGS, VIOLENCE, AND DRUGS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1996

Mr. FILNER. Mr. Speaker and colleagues, I rise today to recognize the Annual Community

Mobilization Conference and Training on Gangs, Violence, and Drugs which was convened in my hometown of San Diego, CA on April 4 and 5.

This is the seventh annual conference that has been convened by Nu-Way Youth and Social Services, a local community-based organization. The conference is a national, collaborative event that brings parents, educators, law enforcement officers, probation officers, prosecutors, health and social service providers, together with civic, political, and spiritual leaders to discuss the latest technologies and strategies for combatting juvenile crime in our communities.

Mr. Speaker, this conference is not the result of a Federal program or government funding. In fact, this conference receives no government funding at all.

This conference is a true collaborative project. And by its very nature, it reinforces the notion that ''it takes a village to raise a child''—and it challenges all of our citizens to accept the responsibility and join in our struggle to keep our youth free from the influence of gangs and drugs.

Mr. Speaker, I am proud that Nu-Way, a valuable resource in the fight against gangs, drug abuse, and violence, is based in my congressional district, and I applaud the efforts of Nu-Way and the Community Mobilization Conference for their important role in our fight against juvenile crime.

TRIBUTE TO ADAM DARLING

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1996

Mr. FARR of California. Mr. Speaker, for any parent, the death of a child is surely life's greatest tragedy. I can personally remember the profound grief and gloom that swept over my own father and family when my youngest sister Nancy was tragically killed following a horseback riding accident in Colombia, where I served in the Peace Corps more than 30 years ago. Even now, not a day goes by that my family does not sorely miss Nancy and regret the fact that she did not live longer, though we all know she led a magnificent life while she was with us.

The same sentiment, I am sure, will be true for the family of Santa Cruz resident Adam Darling, who left this world last week with Commerce Secretary Ron Brown and 32 other brave Americans in an ill-fated flight over Bosnia. Adam died doing precisely what he wanted: Serving his country, while working to make the world a better place. The eternal optimist, Adam had once offered to ride his bike cross-country from his home in Santa Cruz to Washington, DC for then Governor Bill Clinton because he felt he could make a difference in the 1992 presidential race. After the election, he ended up in Washington working in the Commerce Department. When I arrived to be sworn in as a Member of Congress, Adam was there to meet me. He brought his father, the Reverend Darrell Darling from Santa Cruz with him to all of our Washington activities. According to Darrell, ''Adam Darling was a leader among his peers, his friends, his family and in his work. His leadership grew from a keen and uncluttered mind, a character free of shame, given or received, and a thoroughly generous spirit. He was very realistic about both public policy and public service, and the limitations and temptations of both. Adam's realism never became cynical. When you decide to make a difference where there is risk, you can't calculate the cost or be guaranteed delivery from pain or loss. Bosnia is a land of grief and turmoil and none of us is immune.''

At the Commerce Department, Adam served as staff in the press office for several months before becoming a personal assistant to the Deputy Secretary of Commerce for 2 years. Adam was also instrumental in bringing state-of-the art science to Central Coast and the country. Just 1 year ago, he helped organize the first-ever link between classrooms across America and marine biologists working in the Monterey Bay. Ron Brown had recently asked Adam to handle press relations and advance planning for the economic development mission in Bosnia. According to his family, ''Adam saw it as an opportunity to make a significant contribution to a peace effort where it is severely needed.''

Rather than working hard to gain personal attention, Adam worked hard for the sheer pleasure of doing a job well and the satisfaction of knowing he had helped make someone else's life a little more livable. He was one of the many invisible government hands working in Bosnia to ensure the survival of a nation. Amazing acts of heroism, dedication, and humanitarianism exemplify the work done by those invisible hands. Without people like those who served, continue to serve and will serve their country by helping others, the world would be hard pressed to survive tragedies such as the Bosnia conflict.

Adam too saw life as an opportunity to serve the world. Telling his family at the age of five that he would be President of the United States some day, a young boy made his commitment to bettering his country at any cost. During the few years he was afforded, Adam worked with the dedication and commitment of a President, and accomplished more for the good of humankind during his lifetime than many even attempt in 100 years.

The loss of Adam Darling and the 34 others in Bosnia will be sorely felt by all and will remain in our hearts as a memorial to all who pay the highest cost possible in order to help the world by serving their country.

TRIBUTE TO P. STUART THOLAN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1996

Mr. LANTOS. Mr. Speaker, Mr. P. Stuart Tholan was one of the 32 Americans accompanying Secretary Ron Brown on his mission to contribute to the rebuilding of Bosnia. He was aboard the military transport plane which crashed, killing all abroad. My most sincere condolences go out to his wife, Marilyn, his children, Scott and Carolyn, and all his family, as well as to all those whose lives Stuart Tholan touched.

Mr. Tholan had been invited on the humanitarian mission by Commerce Secretary Ron Brown because of his distinguished record of overcoming seemingly insurmountable obstacles and succeeding again and again. The reconstruction and revival of Bosnia's devastated economy would have been Mr. Tholan's most significant challenge. I have the utmost confidence, as did Secretary Brown, that he would have succeeded at this ultimate challenge.

Mr. Tholan's outstanding work for the Bechtel group of companies, based in San Francisco, CA, earned him a reputation as a demanding project director who tackled the most daunting tasks with eternal optimism and a can-do attitude. While his focus on the successful completion of a project could not be swayed, he never lost sight of the importance of the people on the project. Mr. Tholan would always take the time to help a co-worker when they had personal or family difficulties or to devote his spare time to coaching Little League and girl's softball.

The mission that Stuart Tholan was participating in was perfectly suited to his strengths. Throughout his career, he had shown an ability to bring together people and motivate them to accomplish the most difficult tasks. The strengths of his personality and character shone through the overwhelming nature of jobs he took on. His leadership propelled an international work force of 16,000 to put out the Kuwaiti oil fires in a fraction of the time experts thought possible.

These are the reasons why Secretary Brown chose Stuart Tholan as the perfect candidate to help rebuild the devastated economy of Bosnia. Mr. Speaker, Stuart Tholan and the others who perished on that plane deserve our gratitude for their commitment and dedication to bring peace and stability to Bosnia and for their service to our Nation.

TRIBUTE TO GEORGE NADER, EDITOR, MIDDLE EAST INSIGHT MAGAZINE

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1996

Mr. RAHALL. Mr. Speaker, over the years volumes have been written about the Middle East and its turbulent politics, economic potential, and strategic importance to the United States. One publication stands out because of its comprehensive, insightful and balanced approach to issues in the region.

I am referring to Middle East Insight magazine which has just celebrated its 15th anniversary as one of the leading journals of Middle East affairs. Throughout this turbulent period, Middle East Insight has covered the complex issues affecting the region in a thoughtful, creative way to bring greater knowledge and understanding to all parties. By striving to rise above the ideological passions that often divide the region, Middle East Insight has earned the respect of its readers in Washington, DC and throughout the region.

The driving force behind the magazine is its editor, George Nader. Nader is the founder and president of International Insight, an organization that promotes better understanding between the Middle East and the United States. He is a recognized expert on the region and is often invited by major news organizations to comment as events unfold.

Because of his reputation for fairness and his remarkable access to key political and

business leaders throughout the region, Nader has produced a magazine of distinction and high quality. Leaders such as Egyptian President Hosni Mubarak, PLO Leader Yassir Arafat, the late Israeli Prime Minister Yitzhak Rabin, Morocco's King Hassan II, and Presidents Bush and Clinton have all been featured in Middle East Insight.

It is a tribute to George Nader and his vision to publish a magazine that is respected for its contribution to public policy debate. Both he and Middle East Insight deserve special recognition on their 15th anniversary.

45TH ANNIVERSARY OF THE AUTOMOTIVE SERVICE ASSOCIATION

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1996

Mr. BARTON of Texas. Mr. Speaker, I rise to pay tribute to the Automotive Service Association [ASA] on the occasion of its 45th anniversary. ASA is the oldest and largest trade association of its kind representing all segments of the independent automotive repair industry, including transmission, mechanical, and collision repair facilities. The association now includes more than 12,000 businesses. The association now includes more than 12,000 businesses, 28 State groups and 220 chapters located throughout the world.

Over the past 45 years, ASA has merged with a variety of automotive repair associations to enable the industry to speak with a singular and unified voice. These groups include the Independent Garagemen's Association of Texas [IGA], the Independent Garage Owners of America [IGO], the Auto Body Association of America [ABAA], the Automotive Service Councils [ASC] and, the Independent Automotive Service Association [IASA].

In addition to providing a host of member benefits, ASA annually sponsors the world's largest collision repair event, the International Autobody Congress and Exposition [NACE], the Congress of Automotive Repair and Service [CARS], the Northern Autobody Congress and Exposition and the ASA Annual Convention. In fact, NACE has been selected from a wide range of applicants to participate in the U.S. Department of Commerce's International Buyer Program. This recognition serves as acknowledgement of the quality of the event and the export potential of the industry it serves.

ASA members recognize their obligation to professionalism. Members subscribe to a code of ethics, which governs the methods by which they conduct their business practices. Among other things, an ASA member is sworn to perform high quality repair service at a fair and just price; use only proven merchandise of high quality distributed by reputable firms; employ the best skilled technicians; recommend corrective and maintenance services, explaining to the customer which of these are required to correct existing problems and which are for preventive maintenance.

ASA also endeavors to assist its members to improve the quality of repairs through management and technician training programs. The Automotive Service Association Management Institute [ASAMI] provides continuing management education in the areas of leadership, business, finance, personnel, operations, and personal enrichment.

The ASA anniversary will be recognized throughout the year at ASA-sponsored events and ASA's official publication AutoInc. will feature a special anniversary issue. I am pleased to honor the association today on this special occasion.

TRIBUTE TO I. DONALD TERNER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1996

Mr. LANTOS. Mr. Speaker, Mr. I. Donald Terner was one of the 32 Americans accompanying Secretary Ron Brown on his mission to contribute to the rebuilding of Bosnia. He was aboard the military transport plane which crashed, killing all aboard. My most sincere condolences go out to his wife, Deirdre English, his children, and to all those whose lives Donald Terner improved with his many good works.

Donald Terner was a man of truly extraordinary energy and commitment, and we are extremely fortunate that he chose to devote his talents to improving the lives of low-income families throughout California. As founder and president of Bridge Housing Corp., Donald Terner created a low-income housing enterprise which constructed nearly 6,000 homes in the 13 years the organization has been in business. Both the continuing success of the solid organization Donald Terner built and the thousands of families who will have a roof over their heads for years to come will serve as a lasting testament to the life of Donald Terner.

Commerce Secretary Ron Brown was so impressed with the remarkable achievements of Donald Terner that he invited Mr. Terner to accompany him on a humanitarian mission to restore the housing resources destroyed by years of all-out war in Bosnia. Donald Terner was not deterred by the overwhelming difficulty of rebuilding this devastated region. Secretary Brown recognized in Donald Terner the same qualities that those who have worked with him have appreciated for decades. His humanitarian spirit combined with his unrelenting commitment to success in the face of adversity has allowed him to succeed in California and it would have propelled him to success in Bosnia.

Donald Terner was known as a relentless promoter of low-income housing in California and throughout the world. Building affordable housing entails not only raising the necessary funds, but also the often more difficult task of convincing homeowners to allow the housing to be built in their neighborhoods. It was impossible, however, to say ''no'' to Donald Terner. He was able to convince lenders and neighbors to support to projects because he believed that what he was doing would help people, and that made his persuasive powers all but irresistible.

Mr. Speaker, I invite my colleagues to join me in to Donald Terner for his commitment to making the world more livable for low-income people. His efforts in behalf of the community should serve as a model for all Americans. While we cannot all devote the time and energy that Donald Terner did, we can invoke his memory when our communities ask something of us.

CONGRATULATING THE REPUBLIC OF SIERRA LEONE ON THEIR FIRST MULTIPARTY, DEMOCRATIC ELECTIONS IN NEARLY 30 YEARS

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1996

Mr. HOUGHTON. Mr. Speaker, I've come to the floor today with some of my colleagues to introduce a concurrent resolution congratulating the people of the Republic of Sierra Leone who just held their first democratic, multiparty elections in nearly 30 years.

On February 26, 1996, the West African nation of Sierra Leone held their first round of elections amid much uncertainty. There had just been a military coup less than a month before the election and a civil war that had displaced almost half the population raged in the countryside.

Sponsored by the African-American Institute [AAI], a delegation visited Sierra Leone as part of a U.N. team of international observers. In that delegation were several congressional staffers who deal with African issues in the Congress, including Joyce Brayboy Dalton with Representative MEL WATT, Tim Trenkle, Senator NANCY KASSEBAUM, Michael Pelletier, legislative fellow in the office of Senator JIM JEFFORDS, and my legislative assistant Bob Van Wicklin.

Despite some inadequacies, the group deemed the election to be free and fair. AAI issued the following statement after the election:

STATEMENT OF THE INTERNATIONAL OBSERVER DELEGATION OF THE AFRICAN-AMERICAN INSTITUTE

FREETOWN, February 29, 1996.—The African-American Institute (AAI), has spent the last three weeks preparing for and conducting an observation of the presidential and parliamentary elections of Sierra Leone. The AAI delegation feels that the elections of February 26–27, 1996 were transparent, open, and substantially fair. Despite certain irregularities and disruptions due to breaches of security, the delegation is convinced these elections reflect the freely expressed choices of the people of Sierra Leone.

Working in affiliation with the United Nations Joint International Observer Group and funded by the United States Agency for International Development, the 17-member AAI delegation was deployed throughout Freetown and its environs, Lungi, Bo, Kenema, Makeni and Kono. The AAI team observed two crucial phases of the elections which were held on February 26–27, 1996.

During the first phase, the delegation met throughout the country with government officials, the staff of the Interim National Electoral Commission, leaders of political parties and major civic organizations, representatives of the media, government officials, and other sections of civil, society including organized labor. The delegation also carefully studied the electoral laws, examined the relevance of several training materials, scrutinized the voter registration process and samples of voter registers, observed training of electoral staff and domestic monitors, and attended civic education programs in many parts of the country.

During the second phase, the delegation observed the electoral campaigning, the voting which began on February 26 and was extended through February 27, and the counting process on February 27–28, 1996. In the

areas of their deployment, AAI observers visited over 250 polling places nationwide.

AAI found that the elections were held under a cloud of uncertainly and substantial logistical difficulty caused by a lack of adequate infrastructure, minimal election experience and training, and the displacement of sectors of the population due to hostile military actions on or just prior to the date of the elections. This situation often led to the late opening and numerical overtaxing of many polling stations and, in some areas, disruption of the vote and count. Still, in the majority of the areas observed by AAI delegates, the vote went forward in a procedurally correct manner, with materials provided and correctly utilized. Polling station officials, political party representatives and domestic observers, in most cases, were adequately prepared and conducted their duties in an exemplary manner. In the, areas of the country observed by AAI delegates, the difficulties cited above were overcome by the fierce determination of an overwhelming majority of the population to hold the elections on schedule, even in the face of serious attempts to obstruct and disrupt the process.

Despite these administrative inadequacies and certain instances of violence and intimidation in Freetown, as well as deadly conflicts between citizens and those seeking to disrupt the election in Bo and Kenema, the electoral process was largely peaceful and free of threats and confrontations. Voting took place in are orderly fashion in most poling stations. There was little evidence of fraud or irregularity.

The AAI delegation wishes to salute the people of Sierra Leone for their strong commitment to democratic practices and their determination to hold elections on schedule. This unflinching commitment to democratic values and procedures, as well as the courage that the citizens demonstrated in the face of great danger, augurs well for the future of democracy in this country.

The AAI delegation also wishes to congratulate the Chairman of the Interim National Electoral Commission, Dr. James Jonah, and his colleagues for their impartiality and inspiring and tenacious leadership under difficult conditions.

Finally, the AAI delegation thanks the people of Sierra Leone for their hospitality and warm welcome.

On March 29, 1996, Ahmad Tejan Kabbah of the Sierra Leone People's Party was sworn in as the President of the Republic of Sierra Leone. This peaceful transition of power from a military regime to a freely elected civilian government is a tremendous step onto the road to democracy, and I think will have a very positive effect on some of Sierra Leone's authoritarian neighbors.

In fact, just last week, when United States citizens located in the neighboring country of Liberia were threatened by the ongoing violence in that country, the Government of Sierra Leone allowed the United States to use their airport to help with the evacuation of Americans and other internationals from the Liberian capital city of Monrovia. For this, we are very grateful, and thank the new Government of Sierra Leone for their cooperation and assistance.

Also deserving special recognition are all of the United States citizens living in Sierra Leone, especially the people who work at the United States Embassy in Freetown led by Ambassador John Hirsch, a very dynamic individual who has given so much of himself to help the people of Sierra Leone.

It seems that we hear so much bad news from Africa—it's good to be able to emphasize the good news when it comes along.

With that in mind, I hope that all of my colleagues in the House and Senate will join us in congratulating the people of the Republic of Sierra Leone by helping to pass this resolution.

RIVER RIDGE (FL) HIGH SCHOOL'S MOCK STATE LEGISLATURE

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1996

Mr. KING. Mr. Speaker, I would like to include in the RECORD an article from the Tampa Tribune which describes River Ridge (FL) High School's mock State legislature and what its student participants learned about the legislative process. Of special interest are the reflections of Kevin Miller, ''Speaker of the House.''

STUDENTS FIND LEGISLATOR SEAT NO EASY CHAIR

(By Tiffany Anderson)

NEW PORT RICHEY.—For at least a few hours, seniors became senators.

The 12th-grade class at River Ridge High School got a chance to play politics by participating Friday in the school's mock state legislative session.

To earn class credit in American government, more than 328 students served as state representatives and senators and sat on committees.

The bills they wrote won't ever make it outside the school's auditorium. But that didn't keep most seniors from taking the event any less seriously.

''People told me that I would run everything,'' said Kevin Miller, 18-year-old speaker of the ''House.'' ''In a way, that's true. I just didn't realize how much power Newt Gingrich has. If he doesn't like someone he can make it really hard for people.''

State Rep. Mike Fasano spoke to the seniors on the first day of the two-day event. Later, students spent hours heatedly debating dozens of issues from abortion education to education reform.

By Friday, the make-believe legislators had learned that life in the Capitol isn't easy and that getting a law passed is even harder.

More than 275 bills were discussed in committee. Only 40 were heard on the House and Senate floor.

Students proposed such legislation as:

The Dumb Teachers Act, requiring instructors to be recertified every year.

Mandating that school administrators keep toilet paper and soap in the bathroom or be subject to fines plus tar and feathering.

Increasing the speed limit on state highways to 85 miles per hour.

Ultimately, only five bills became ''law,'' making it more difficult to use lottery money to supplement school funding; allowing a vehicle's tinted windows to be as dark as the driver wanted; permitting students to work as many hours a week as they wanted as long as they maintained a ''C'' average; requiring boating licenses for those 14 and older; and making it easier to get an ''A'' at River Ridge, but abolishing extra points for attendance.

The mock legislative session has been staged for the past four years, said teacher Tom Fleming.

''It's better if they live the legislative process,'' he said.

Students agreed.

''Even though they're not real laws, you still learn a lot,'' said Gena Deluigi, 18. ''It's just good to see how a bill gets passed. Now, I can look at a bill and even though it may already exist, I can see why this or that wasn't included in it . . . because it could have come up in our session, too.''

HAPPY 50TH WEDDING ANNIVERSARY TO MR. AND MRS. WILLIAM QUESENBERRY

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1996

Mr. COX of California. Mr. Speaker, today I rise in celebration of the 50th wedding anniversary of Mr. and Mrs. William Quesenberry of Coral Gables, FL.

Bill, a graduate of Shenandoah Junior High and Miami Senior High, first met Mary Belle Gardner when she was a wintertime resident of Miami Beach. Bill courted Mary Belle throughout high school and his days at the University of the South at Sewanee, TN. On April 13, 1946, Bill and Mary Belle were married on a beautiful, sunny day in Nashville, TN.

After college, Bill flew in World War II as a naval aviator. Upon returning from the war, Bill followed his father's footsteps into the wholesale grocery business. As a wholesale grocer, Bill provided consumers with a wide variety of products and competitive retail prices.

Bill and Mary Belle share a joy of traveling that has led them across the globe. Their sense of adventure has taken them to the frozen land of Antarctica, a far cry from their home in sunny Coral Gables, and even beneath the surface of the sea itself—Bill and Mary Belle are accomplished scuba drivers and snorkelers.

Mr. Speaker, on behalf of their children and grandchildren as well as their many friends, I wish Bill and Mary Belle a happy golden wedding anniversary in the hopes of many more to come.

CONGRATULATIONS TO RED BANK CATHOLIC

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1996

Mr. PALLONE. Mr. Speaker, I rise today to congratulate the Red Bank Catholic Women's Basketball Team for winning the New Jersey State High School Basketball Championship.

Back in the Sixth Congressional District, these young women have provided their fans and myself with much excitement and sense of pride. From reaching the finals of the Shore Conference Tournament to winning the State Championship at the Meadowlands, Red Bank Catholic has demonstrated its commitment to excellence.

Throughout the year, Red Bank Catholic has stressed the importance of team unity as a major component of victory. This approach to the season, in addition to its dedication and hard work, provided the team with the necessary drive to become the best high school basketball team in the State of New Jersey.

In addition to the athletic abilities possessed by this team, the players of Red Bank Catholic

must be saluted for their academic excellence. On and off the court, these student athletes have maintained athletic prowess and academic integrity in light of intense pressure.

Once again I would like to salute these young women for capturing the high school basketball championship and wish them the best of luck in their future endeavors.

TRIBUTE TO HELEN MINETA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1996

Mr. FARR of California. Mr. Speaker, I rise today to acknowledge a woman who exemplifies the very best of the American spirit. Helen Mineta, a teacher of politics and government for more than 30 years, a friend, and an active member of the community, died March 18th in San Jose, CA. She was 77. The daughter of immigrant Japanese parents, Ms. Mineta persevered throughout her life against racism, overcoming numerous barriers. She bettered the lives of those with whom she came in contact in countless ways, as a teacher and as an advocate for Japanese-American rights.

Helen Mineta graduated from San Jose State College in 1938 with dreams of becoming a teacher, but was told by her professors that no one would hire a Japanese person. Undaunted, she worked in the speech and drama department at San Jose State while studying commerce. She remained at San Jose State until the onset of World War II and the attack on Pearl Harbor caused Americans to lash out at Japanese-Americans. As a result of both racism and fear, Ms. Mineta and many other Japanese-Americans were placed in internment camps.

Helen Mineta and her family were interned first at the Santa Anita Racetrack and then the Heart Mountain camp in Wyoming. Despite these hardships, Ms. Mineta managed to get out of the internment camp by obtaining a position as an executive secretary in a Chicago chemical corporation. Although forced to leave her family behind, she did not forget them. Ms. Mineta helped to educate her brother, Norman, who was without a school in the internment camp, by sending him books and questions to answer concerning them. Her hard work and tutelage reaped great benefits, for Norman was later to become our friend, the former congressman from San Jose.

In the years after the war Ms. Mineta worked for her brother-in-law at the Japanese American Citizens League in Washington, D.C., fighting to help others deal with the same racism that had assailed her. She went on to receive another bachelor's degree from the University of California at Berkeley, and finally realized her goal of teaching at San Jose High School in 1958. But again tragedy struck as Ms. Mineta was about to receive a much dreamed about position at the United Nations. Her mother died in 1956 and she returned home to help her father.

Helen Mineta remained actively involved in the community throughout her life, giving lectures on the racism she confronted and overcame during World War II and throughout her life. She was also instrumental in the fight to build the San Jose Center for the Performing Arts, bringing a valuable resource to the community. Her accomplishments were acknowledged by the University of California Alumni Club.

In the end, though, many remember Helen Mineta as a dear friend who had a zest for life. She remained active and cheerful throughout her life despite the obstacles. She will be sorely missed. Ms. Mineta is survived by two sisters, Etsu M. Masaoka of Chevy Chase, MD and Aya Endo of Medford, NJ; two brothers, Albert Mineta of San Jose, and Norman Mineta of Alexandria, VA, and three nieces and four nephews. To them we send our deepest condolences.

TRIBUTE TO THE LATE MARINE COL. ROBERT OVERMYER

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1996

Mr. BROWN of Ohio. Mr. Speaker, I rise today to speak of a tragic loss that the people of the 13th District of Ohio, and the entire Nation, recently suffered.

Marine Col. Robert Overmyer, born in Lorain, OH, died last month while bravely working as a test pilot. The prototype plane he was flying lost control and crashed before he could eject. His sacrifice, made while insuring the safety of others, will not be forgotten.

Colonel Overmyer was a true American hero and served his country with great pride for almost 40 years, both as a Marine and a celebrated astronaut. He worked on the Air Force Manned Orbiting Laboratory Program, served as a NASA astronaut on the Apollo 17 mission, and more recently commanded the 1985 Space Shuttle *Challenger* mission.

Colonel Overmyer grew up Westlake, OH, near Cleveland Hopkins Airport. His love of flying was born while watching planes take off and land at that airport. He never forgot his roots in Ohio, and always found the time to give back to his childhood community. He returned several times to speak to students and adults about the role of the military and future of the American space program.

Colonel Overmyer will be remembered not only by his family and friends, but by all Americans for his dedicated service to our country. I thank you, Colonel Overmyer, for giving the most while you were with us. You will be missed.

MEDICARE BENEFICIARY PROTECTION AMENDMENTS—H.R. 1707

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Mr. STARK. Mr. Speaker, last May, I introduced legislation designed to ensure that Medicare beneficiaries have access to quality care and fair treatment by their HMO's and managed care plans. Today, I reiterate the need for Medicare beneficiary protection and urge passage of the needed safeguards that H.R. 1707 provides.

An important issue addressed by this measure is the serious abuse of marketing practices by HMO's. Abuses by sales agents are especially prevalent in geographic areas where people have little experience with managed care. The commission system in which many HMO agents work is an inappropriate financial incentive which leads to pressure sales to vulnerable beneficiaries. For example, when Geraldine Dallek of the Center for Health Care Rights provided testimony last year to the Senate Special Committee on Aging, she reported a story of a woman from Los Angeles who was a victim of these practices. The woman, Mrs. B, who has a fifth grade education, received an unsolicited visit from an HMO marketing agent. When Mrs. B refused to sign up for the plan, the representative persuaded her to sign an enrollment form by telling her that it would only be used to verify his visit.

To remedy abusive HMO marketing practices, H.R. 1707 would prohibit door-to-door marketing and allow beneficiaries to enroll via mail. Also, it would limit the percentage of compensation received through commissions and require plans to recover commissions if the beneficiary disenrolled within 90 days.

Most HMO enrollees give up their supplemental or MediGap coverage when they enroll in an HMO. Many fear that if they disenroll from an HMO, no insurance company will sell them a supplemental policy. This is a very serious issue for those who leave their HMO because they are ill and believe the HMO is not providing them adequate care. Under my bill, beneficiaries will be able to secure a supplemental plan after moving out of an HMO. H.R. 1707 requires Medicare-contracting plans and MediGap plans to participate in an open enrollment process. This provision allows for a beneficiary to enroll, disenroll, or change plans during this period without being subject to medical underwriting or preexisting exclusions.

Also, the difficulty beneficiaries have making comparisons among Medicare coverage options would be dealt with by having the Secretary conduct annual open enrollment periods. During this period, Medicare beneficiaries could enroll in traditional Medicare coverage or any additional HMO-managed care options. Differences in plan benefits and costs would be presented in easy, comparative formats. A criticism of managed care plans has been the lack of readily available, understandable and comparable information of plans. This legislation works to correct this by requiring Medicare-contracting plans to provide descriptive information on plan utilization review requirements, plan standards for contracting with providers, provider credentials, and plan physician payment arrangements. This bill would standardize the basic benefit package for Medicare HMO's. Plans could not impose cost sharing other than nominal copayments for Medicare-covered services. Also, limits on additional benefits must be fully explained and enrollees given reasonable notice that benefits are expiring.

Managed care is a system that provides financial incentives to provide less care. A 1989 GAO report concluded that this system that puts providers at financial risk for expensive medical treatment inherently contains incentives to deny or delay needed care. The problem of inconsistent and delayed utilization review practices of managed care plans would be remedied in several ways by H.R. 1707.

First, financial compensation could not be given to individuals performing the UR based upon the number of denials. Second, negative

determinations about medical necessity or appropriateness will be required to be made by clinically qualified personnel. Also, final determination of coverage must be made within 24 hours.

The amendments would also update HMO plans in the area of access to emergency medical services. Specifically, plans could not require preauthorization for true emergency medical care and could not deny a claim for a beneficiary who uses the ''911'' system to access services. Also, plans must define ''emergency medical care'' in terms easily understood by the average person. An example of why this is needed is given by the Center for Health Care Rights which reports a case of a San Diego woman who went to her HMO's urgent care center for treatment of an injury. She was told that the center had many people waiting and only one doctor on duty. The beneficiary was instructed to go to the nearest emergency room. The HMO later denied her claim because the emergency room treatment was not authorized.

These requirements will also benefit physicians by mandating reimbursement by the plan to those physicians who provide emergency services in nonplan hospitals in order to fulfill the Federal antidumping law.

An important protection standard in this legislation would benefit those who seek out-of-plan treatment: Providers plans would be prohibited from charging more than Medicare would have paid under fee-for-service rules. Also, plans would be required to make arrangements for beneficiaries to have occasional dialysis service outside the plans area.

Recognizing the special needs of individuals with disabilities and chronic-illness, the amendments guarantee enrollees access to designated centers of excellence. The standard for the designation of a center of excellence will be established by the Secretary. Factors that would be included in the Secretary's designation would include specialized education and training, participation in peer-reviewed research, and treatment of patients from outside the facility's geographic area.

To improve due process for providers in networks, public notices would be required as to when applications by participating providers are to be accepted. Notification of a decision to terminate or not renew a contract would be required not later than 45 days before it is to take effect.

In order to ensure access to enrollees throughout a plan's service area, the Secretary may require plans to contract with certain clinics and other essential community providers in the service area. In general, the service area of a Medicare-contracting plan would be an entire metropolitan statistical area.

To comply with this plan, Federal regulators would be given authority to impose intermediate sanctions. Currently, the Secretary has the authority to bar participation in Medicare. Under this plan, the Secretary could prohibit plans from enrolling beneficiaries until it meets all Federal requirements. A new review process would allow HMO's to submit a corrective action plan for violations. A civil money penalty up to $25,000 for each violation that adversely affects an individual enrolled in the plan would be authorized.

The Medicare beneficiary protection amendments are a powerful step toward safeguarding the health of Medicare beneficiaries. Last year, an inspector general's survey found that 16 percent of enrollees planned to leave their HMO, but felt they could not. Even worse, 66 percent of disabled/ERSD enrollees wanted to leave their HMO's. These statistics and others indicate that HMO's are often failing to properly serve many Medicare beneficiaries. The remedies I propose will move us toward better quality and a fairer managed care system.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 159, CONSTITUTIONAL AMENDMENT RELATING TO TAXES

SPEECH OF

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1996

Mr. MARTINI. Mr. Speaker, I rise today in support of the American taxpayer and in support of this historic amendment being considered by the House of Representatives.

House Joint Resolution 159, the tax limitation amendment, will require a two-thirds supermajority vote of the Congress to raise Federal taxes.

Mr. Speaker, this amendment is necessary because the average family of four pays about 38.2 percent of their income in Federal, State, and local taxes. More than 3 hours of every 8-hour workday are dedicated to the tax man.

To put it another way, the average American works from New Year's Day to May 6 just to pay off his or her tax burden.

We believe that Americans are taxed too much, not too little. We also believe that individuals and families can better decide how to spend their money than Uncle Sam.

Unfortunately, most Americans are scared, they are feeling squeezed by falling wages and mixed signals on status of the economy.

People are anxious about their economic future and job security. In New Jersey, we see corporations like AT&T laying off thousands of employees and the Thomas' English Muffins plant closing their doors in Totowa.

Unfortunately, millions of working families gather around the kitchen table each week and wonder why it is they can't seem to make ends meet. They work longer hours, they take second jobs, but they feel like they are running in place.

In his State of the Union speech, President Clinton stated ''our economy is the healthiest it has been in three decades.'' The President proudly pointed to statistics from the Department of the Treasury as well a robust year on Wall Street.

However, someone forgot to tell the President to check with middle-class America because he has failed to recognize the importance of what we refer to as the ''Clinton Crunch.''

Secretary of Labor, Robert Reich, likes to point out that real wages for the median worker have fallen 4.6 percent since 1979. What he doesn't tell the American people is that half the wage decline has occurred under the Clinton administration.

In fact, the only period of sustained wage growth in the last 17 years came during the Reagan administration. You may recall former President Reagan advocated a policy of smaller government, lower taxes, and less intrusion into the lives of Americans. Sound familiar?

Mr. Speaker, we don't blame workers for falling wages, we simply believe that they are not being given the necessary tools to compete in the high-technology economy of the 1990's.

Productivity is stagnant because the rate of investment in new equipment in only half of what it was a decade ago.

Investment has been curtailed because our savings rate is low.

American families are not saving as much because Federal taxes are at an all time high.

We must provide working families with tax relief, that is what today's amendment is all about. If Congress wants to raise taxes it is going to require a two-thirds vote of this legislative body.

One-third of the States currently have their own form of the tax limitation amendment and not surprisingly those States had lower taxes, more economic growth, and more job creation than States without a tax limitation law.

Mr. Speaker, the facts are clear, tax relief benefits working families and working Americans. In fact, 74 percent of the proposed $500-per-child family tax credit will go to families making less than $75,000 a year.

Put another way, the $500-per-child tax credit means families earning less than $25,000 will no longer pay Federal taxes, those earning $30,000 will have 48 percent of their Federal tax liability wiped out.

With regards to capital gains tax relief, an IRS analysis of 1993 tax returns found that 77 percent of the tax returns reporting capital gains were filed by taxpayers with adjusted gross incomes of less than $75,000; 60 percent had adjusted gross incomes of less than $50,000.

Lower taxes benefit all Americans, not just the wealthy.

Last year Congress passed a plan to relieve some of the burden on the middle class. We passed a $500-per-child income tax credit for middle-income families, we passed capital gains tax reform, and we passed IRA self-loan legislation.

This Congress wants you to earn more and keep more of what you earn. Had our balanced budget been signed into law, instead of being vetoed by President Clinton, families could look forward to doing more with the money they earn.

Today, as Americans go to the post office to mail their tax returns, we will vote on a constitutional amendment to require a two-thirds supermajority to raise taxes.

If the two-thirds rule had been in existence in 1993, we would have stopped President Clinton's tax hike, and American families would now be paying less for gasoline, small businesses would be creating more jobs, and our retired parents and neighbors would be paying less in taxes.

A tougher standard to raise taxes will ensure that taxes are raised only when there is a broad consensus and when it is absolutely necessary.

This safeguard will help keep spending in check because Congress won't be able to take the easy way out and raise Federal taxes.

Mr. Speaker, House Joint Resolution 159 is another example of how the new majority in Congress is fulfilling its promises and making a difference to the American taxpayer.

CELEBRATING TUFTONIA'S WEEK

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Mr. RICHARDSON. Mr. Speaker, in just a few short weeks, many of us will be attending college graduations watching as countless numbers of our constituents finish their college education, graduate, and become alumni.

As seasoned alumni know, you always maintain a special tie to your college. At my alma mater, Tufts University actively encouraged alumni to celebrate their college days by participating in annual ''Tuftonia's Week'' celebrations. It is a special time for more than 88,000 alumni of Tufts to turn their thoughts to Tufts and to get together with fellow Tuftonians, to reminisce with old friends.

Tuftonia Week also allows the university to focus attention on its enormously successful alumni program called, ''TuftServe.'' Last year, Tufts alumni contributed more than 19,000 volunteer hours of community service. This work enhance the quality of life in our local communities and enables alumni to maintain a close relationship with their alma mater.

As my colleagues address soon-to-be alumni at college graduation campuses around the country, may I suggest that we take with us a page from Tuftonia's Week and encourage college graduates to remember and honor their college years by offering and volunteering their knowledge and expertise in their communities. Such an endeavor by my colleagues would be a great tribute to the volunteer commitment of many Tufts University alumni as well as an outstanding celebration of Tuftonia's Week.

SAN FRANCISCO CHRONICLE COLUMNIST HERB CAEN RECEIVES PULITZER PRIZE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Mr. LANTOS. Mr. Speaker, Herb Caen, a truly extraordinary talent in the world of journalism, joined an elite group of journalists last week when he was awarded the Pulitzer Prize. He received a special Pulitzer Award that recognizes his unique and enormous contributions to the city that he loves with all his heart. For almost 58 years, Herb Caen has delighted residents of San Francisco and the surrounding communities with stories and thoughts on our unique and wonderful ''City by the Bay.''

Herb Caen fills his daily 1,000-word column with an incredible range of items, from political platforms to society gossip to humorous encounters with the many interesting individuals within the rich and diverse city of San Francisco. While there is almost always a laugh contained in Herb Caen's column, he did not shy away from expressing controversial opinions on issues concerning the city and the country. I am delighted that the Pulitzer board recognized these extraordinary qualities when they conferred this special prize, only the fifth in the history of the awards.

The only person who can adequately express the importance of this award to the San Francisco community is Herb Caen himself. So, Mr. Speaker, I invite my colleagues to read the column which appeared the day after the award was announced in order to get a good taste of the wit and elegance which earned Herb Caen this well-deserved honor.

HEY, LOOK ME OVER!

(By Herb Caen)

''Pulitzer Prizewinning columnist.'' Well, it does have a certain ring to it. And it will definitely add a touch of class to the obituary, which has been moldering away in the morgue for years. I'm not trying to be morbid in the Edgar Allan Poe mode. ''Morgue'' is what old newshounds call their paper's library, and it's somebody's job to keep the obits up to date. ''Pulitzer Prizewinning columnist'' will also juice up the resume if I ever have to start jobhunting again. Don't laugh. Downsizing is the order of the day. I command a large salary, several dollars a week over scale. I could well be on the short list for the gold-plated watch and farewell handshake, thereby making room on the payroll for the pitcher and running back we so desperately need.

I got the word that I'd won a Pulitzer late yesterday morning when Karyn Hunt of the local Associated Press bureau called and asked for a statment. I thought she was kidding because I happen to know she's a great kidder. How do I know? Because—and here's your item—Karyn once worked for me, manning the phones and checking stories. She got out as soon as she could and has colorful stories to tell about what a mizzerable person I am to work for, but I digress. Actually, I'm not that hard to work for. Ask Carole Vernier, who works for me now. On second thought, don't ask Carole. I do get a little difficult around deadline. I am no longer digressing, I am regressing. Say, can the Pulitzer board!—and thank you thank you thank you whoever your are—where was I? Oh yes, can the board take the prize back once it has been bestowed? This could well be a historic test.

Anyway, when Karyn of the AP called for a comment, I said ''A little late for April Fool jokes, isn't it?'' She finally convinced me this was for real, whereupon I fell back on the old barnyard joke whose punchline is ''What a pullet surprise,'' laying an egg in the process. ''Be serious,'' she said, sternly, ''I'm on deadline.'' ''You're on deadline?'' I snapped. ''Whaddya think I'm on, a Stairmaster? And you know how I get at deadline time,'' In truth, my thoughts were so scattered and my surprise, pullet or otherwise, so genuine that I had no statement to make beyond ''Duh, I'll get back to you.'' What I think happened is that I outlasted the Pulitzer board members. They kept waiting for me to pop off, so they wouldn't have to think about that West Coast noodnik any longer, and when I passed 80 they caved in.

About 25 years ago, Art Hoppe and I made a solemn pact, sealed in blood: If either or both of us ever won a Pulitzer, we'd refuse to accept it. That's because we felt that a lot of columnists who didn't deserve the prize were winning it. Besides, the years were rolling along without a nod from Olympus, which would make it easy for him or me to say coldly, ''Too late, ladies and gentlemen, too late.'' Well, when the word came through yesterday, I was in a quandary. A sacred vow sealed with a vile oath is not to be broken lightly. As I was tentatively rehearsing variations on ''I don't need no steenkin' prizes,'' Hoppe poked his head into my office and said ''Forget it. I release you.'' That is one of several reasons I think Art Hoppe deserved a Pulitzer a long time ago.

No, I never expected to win the gonfalon, the gong, the biggie. Year after year I studied the columns of prizewinners and discerned a pattern: To win a Pulitzer, it is necessary to be serious, ready to render learned opinions on matters of importance not only to the nation but to a waiting world. A three-dot columnist in a smallish city on the coast hardly seems worthy of a place in the pantheon. Walter Winchell, my original inspiration, never won anything of note, and he used even more dots than I, to excellent effect. It's true that satirical columns picked up a prize from time to time, as long as they weren't too funny. I will not deny that although I am not often funny, I am definitely silly and that seemed to me the kiss of death.

What I received yesterday, said the AP, was ''a special award for what the Pulitzer board described as 'his extraordinary and continuing contribution as a voice and a conscience of his city.''' I can be serious about that. I am as seriously touched—nay, overwhelmed—as I am seriously in love with ''my'' city. The Pulitzer, coming on the heels of my 80th birthday last week, with its attendant tributes and demonstrations of friendship, has rendered me limp with gratitude, speechless with swirling thoughts impossible to articulate. Mixed up somewhere in the award, I figure, is a streak of sentimental regard for an old party who has been grinding it out, year after year, and, at the same time, a salute to longevity, for which I thank my German mama and my French papa who had the good taste to come to this loveliest of cities so long ago.

This is also, of course, a victory for the mechanical typewriter over the burgeoning forces of cyberspace. I hereby hub my Royal, a brand name that is currently being dragged through the mud. The suspected Unabomber is said to have written his manifesto on a 40-year-old Royal, the same age as mine. As for the part about being ''the conscience of the city,'' this city had one—plus great style—long before I came down the river from Sacramento. The city's overriding sense of fair play always appealed to me and I have been delighted to get the chance to help keep it alive. About being ''the voice,'' I seem to have lost it at the moment, being speechless with surprise. All I can manage to croak is, ''For columns like this, they give a Pulitzer?''

IN TRIBUTE OF PROF. JAN KARSKI

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Ms. PELOSI. Mr. Speaker, I rise today with the Holocaust Center of Northern California to honor Prof. Jan Karski, a member of the Polish underground during World War II who risked his life in an effort to stop the Holocaust.

Professor Karski, a devout Roman Catholic, was captured and savagely tortured by the Gestapo while working as a courier in 1940. Willing to sacrifice his life to protect the underground, Professor Karski escaped with the help of the Polish workers, and returned to his work as a courier.

In 1942, Professor Karski was smuggled into the Warsaw ghetto and death camp near Belzec, and then traveled secretly to Washington, DC, where he provided President Roosevelt, other top Government officials, journalists, and religious leaders with a terrifying eyewitness account of the extermination of thousands of helpless and innocent Jews. Professor Karski traveled extensively throughout the

United States lecturing about the atrocities he had witnessed. In 1944, he published a best-selling book, ''The Story of the Secret State'', which exposed the Nazis' genocidal plans.

Twenty-five years later, Professor Karski broke his silence about the terrible secret in Claude Lanzmann's epic Holocaust film documentary, ''Shoah.'' In recognition of his courage on behalf of the Jewish people, Professor Karski was honored at Yad Vashem as a Righteous Among the Nations in 1982 and the Israeli Government awarded him honorary citizenship in 1994.

I am pleased to join with the Holocaust Center of Northern California and the Jewish religious community to pay tribute to this great man on Yom HaShoah, the Day of Holocaust Remembrance, which begins at sundown on Monday, April 15, 1996.

Professor Karski is a hero not only to his own people but to all of humanity. With his unwavering courage and integrity, Professor Karski is a role model for us all, for he demonstrated how the human spirit can triumph over extreme evil and adversity. Now in his eighties, Professor Karski continues to speak out against racism, anti-Semitism and intolerance so others might learn from the horrible mistakes of the past.

HONORING HONEY MILLER FOR HER MANY YEARS OF COMMUNITY SERVICE

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents and with the members of the Eastern Queens Democratic Club as they honor Honey Miller at the club's annual dinner at the Douglaston Manor in Queens County, NY.

For many years, Honey Miller has been a model of what the term ''community activist'' should mean. While serving as deputy director of Queens community boards from 1985 through 1990, Honey used her expertise to help local boards address major, complex issues that impacted on the growth and development of the borough's many communities. While immersed in this ongoing role Honey developed a second field of expertise by becoming a professional volunteer. As a PTA leader, president of the Aviva chapter of B'nai Brith, a companion to children with emotional problems at the Creedmoor Hospital, a chairwoman of the adult-education program at the Marathon Jewish Center, a volunteer at the Queens County District Attorney's office, and a chauffeur for senior citizens at the Samuel Field Y, Honey Miller established a reputation as someone who could undertake any task and get the job done.

Mr. Speaker, the community has not only benefited from Honey's dedication, but also has responded to her good works by presenting her with many and varied honors, including Woman of the Year for the northeast Queens Memorial Day parade, certificates of achievement from B'nai Brith and the Marathon Jewish Center, citation of achievement from the metropolitan region of the United Synagogue of America, the Community Service Award from the Glen Oaks Volunteer Ambulance Corp., and the certificate of merit from the Queens Women's Center.

Fully understanding the workings of American government and responding in the true American spirit of voluntarism and civic participation, Honey has risen to a variety of prominent positions in the area of elected leadership. While currently serving as Democratic district leader for the 24th Assembly District, a position which she has held since 1972, Honey has also chaired the women's division of the New York State Democratic Committee, was treasurer of the Women's Executive Committee of the Queens County Democratic Organization, second vice chairperson of the Queens Democratic Committee, and served as delegate to the last five Democratic National Conventions.

Mr. Speaker, Honey Miller has come to symoblize the truest example of the American participatory spirit. I ask all my colleagues to join with the grateful people of the Fifth Congressional District in extending to Honey Miller the highest accolades of appreciation and recognition.

HONORING SISTER CHARLOTTE

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Mr. PASTOR. Mr. Speaker, today I rise to congratulate Sister Charlotte of Project YES!, who has been chosen as a recipient of the National Service Award. I am especially pleased that her work is being recognized at the national level for two reasons: First, she has been a strong and tireless advocate for children, and second, she has brought resources and attention to an economically deprived area. It is because of her work that the children living in this multiethnic area have access to educational opportunities, and more importantly, hope.

She has provided opportunities for the children in her neighborhood to work with tutors, to socialize, to have enriching educational experiences, to be in sports leagues, to develop spiritually, to better understand their culture, and to bond with adults. She has created a loving, caring, safe environment for many children who have never known such a place. For many of these children, Project YES! is not just a home away from home, it is the only home they know.

Because Project YES! is so special to the children, the only discipline needed is the threat of time out from Project YES! No one misbehaves because no one wants to be excluded even for a few hours.

Sister Charlotte first became involved in Project YES! in 1983 as a member of its board of directors. Her background in guidance counseling and teaching encouraged her interest and her enthusiasm for this alternative way of reaching children. Consequently, in 1987 she left her elementary school administrator position with the Santa Cruz Catholic School and became the executive director of Project YES!

Under her creative and enthusiastic direction, Project YES! has become a vital force in the lives of hundreds of children and of their parents. In addition to the supportive environment and programs for the children, she has created parent-to-parent workshops in both English and Spanish where parents can learn from each other about good parenting skills. Parent-to-parent combines teaching, peer counseling, and sharing to help parents find caring ways to guide their children.

Sister Charlotte is a resource we treasure in the Second District of Arizona. We are proud that her programs for children are being recognized, and I congratulate her on her accomplishments.

TRIBUTE TO JEWISH WAR VETERANS U.S.A., NORTH ESSEX, POST 146

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Mr. MARTINI. Mr. Speaker, I rise today to pay tribute to a very special group of Americans from the Eighth Congressional District of New Jersey.

On March 15, 1896, a group of Jewish veterans gathered for the first time and formed an organization by pledging to maintain their true allegiance to the United States, to stand against the sway of bigotry, and to honor the patriotic service performed by men of Jewish faith. This organization, the Jewish War Veterans U.S.A., has for a century offered a steadfast portrait of loyalty, sacrifice, and self-resolve.

Our loyalties mark the kinds of persons we have chosen to become. Real loyalty endures inconvenience, withstands hardship, and does not flinch under assault. The individuals who make up the Jewish War Veterans U.S.A. consistently allow this genuine loyalty to pervade the whole of their lives.

The members of JWV, Post 146 remind us that the loyal, patriotic citizen expects no great reward for coming to his country's aid. On the contrary, a devoted patriot seeks only that his country flourishes.

When it comes to honoring their country, their faith, and their comrades, the veterans of Post 146 know that good intentions are no guarantee for right actions. Indeed, the members of Post 146 have demonstrated both the wisdom to know the right thing to do, and the will to do it. Certainly, they have lived up to the obligations of loyalty, patriotism, and service.

To be a loyal citizen means to achieve a high standard of caring seriously about the well-being of one's nation. I am proud to honor and praise the Jewish War Veterans U.S.A. for exceeding this standard. Congratulations JWV U.S.A. for 100 years of Jewish pride and American patriotism, and Post 146 on your 60th anniversary.

WELCOME BACK LOU STOKES

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Mr. LATOURETTE. Mr. Speaker, yesterday my friend and colleague, LOU STOKES, returned to the House of Representatives. I wanted to take this opportunity to tell him how

much his presence and guidance were missed in this institution, and how the Congress is enriched to have him back, and in good health.

Anyone who knows LOU STOKES knows it would take nothing short of major surgery to keep him away from the House of Representatives. As it turns out, it was major heart surgery that kept LOU away, which seems fitting because LOU has one major heart. I am pleased he came through his surgery with flying colors, and know he will resume his work with the same level of intensity and commitment we've all come to expect from him. I thank the fine doctors of the Cleveland Clinic for taking care of our good friend, and sending him back to us as good as new.

As a member of the Ohio delegation and a Representative from northeast Ohio, I have always valued LOU's experience and wisdom, and feel blessed to have a role model like him in the House. In all my dealings with LOU STOKES he has been fair, forthright, and decent, and it is greatly appreciated.

So, on the occasion of his return to the House, I wish him well. The dean of the Ohio delegation was dearly missed, and I for one am very glad that he is back.

LARS ANDERSON

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Mr. RICHARDSON. Mr. Speaker, it is with great respect and admiration that I honor today a business associate, good friend, and fellow New Mexican, Lars Anderson.

Mr. Anderson was recently honored by the New Mexico AIDS Services by receiving the Ron McDaniel Award, named for the late AIDS and human rights activist. This tribute recognizes commitment and compassion for people impacted by HIV in Santa Fe, NM. Today I salute Mr. Anderson for this revered honor.

Mr. Anderson is a highly dedicated and responsible individual, whether in financial management, where I have benefited from his expertise, or in his steadfast endeavors to help others in need. He has been volunteering many hours for over 2 years with the Hand-in Hand Practical Support Program, assisting those who are dying with AIDS. He has given his loyal support to help relieve the pain, both physically and emotionally, to those afflicted with this fatal disease.

I am extremely grateful to be associated with Mr. Anderson. I respectfully invite all of my colleagues in the House of Representatives to join me in giving tribute to this esteemed New Mexican.

CUPA 50TH ANNIVERSARY

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Mr. LEVIN. Mr. Speaker, I rise today to acknowledge an association that has had a significant impact in the advancement of higher education human resource management—the College and University Personnel Association [CUPA], which celebrated its 50th anniversary on April 11, 1996.

The association was started by a visionary named Donald E. Dickason, a former director of nonacademic personnel at the University of Illinois at Champaign in 1946. At that time, Dickason invited representatives from more than 50 post-secondary institutions in the Midwest to a forum to discuss problems unique to higher education personnel administration. He envisioned an Association that would provide timely information and support to help foster leadership among personnel administrator. He envisioned an Association that would provide timely information and support to help foster leadership among personnel administrators and growth among institutions. The 44 individuals who attended the meeting agreed and thus CUPA was born.

I first became aware of CUPA when I sponsored H.R. 127, the Employer Provided Education Assistance Act to reinstate the exclusion from income for employees who receive compensation for education expenses from their employer. As many colleges and universities use this valuable training and re-training tool to help their personnel keep on the cutting edge of new technology and information in various education fields, CUPA has helped to lead the charge in trying to reinstate this important provision to the tax code.

It is in this tradition that CUPA promotes effective management and development of human resources in higher education by providing a forum for the exchange of ideas and providing valuable information and services to its membership on the national, regional, and chapter level.

Among the functions CUPA provides is the distribution of information critical to expanding and enhancing the higher education human resource management profession through publications and other actions. CUPA provides such support and assistance to help its membership understand and comply with various federal laws and regulations such as the Civil Rights Act, the Age Discrimination in Employment Act [ADEA], the Americans with Disabilities Act [ADA], and the Family Medical Leave Act [FMLA] to name just a few. By providing this valuable information in a timely and professional manner, CUPA helps to ensure their members are living up to both the spirit and the intent of these important worker right and protection laws.

CUPA has grown from the original 44 individuals who attended the first meeting in 1946 to 6,100 human resource administrators representing more than 1,800 colleges and universities and other institutions interested in the advancement of the human resource profession nationwide.

I ask my colleagues to join me in recognizing the many accomplishments of CUPA, in congratulating them on 50 years of excellence, and in wishing them well in their next 50 years of service.

HISPANIC COORDINATING COUNCIL AWARDS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Mr. VISCLOSKY. Mr. Speaker, on Saturday, April 13, 1996, numerous outstanding Hispanics from Indiana's First Congressional District were honored for their notable contributions to northwest Indiana. Student Recognition Awards, a President's Award, a Community Outreach Award, a Cesar Chavez award and an Outstanding Family Award were presented by the Hispanic Coordinating Council during a banquet held at the American Legion Post No. 369 in East Chicago, IN.

Sixty Hispanic students representing thirty northwest Indiana and northeast Illinois high schools were recognized for their academic and athletic achievement. The students who received awards for Outstanding Academic Achievement include: Melissa Hogg, Andrean High School; Angelica Quiroz, Calumet High School; April Ybarra, Clark Middle/Senior High School; Leandro Cortez, Jr., East Chicago Central High School; Fidel Lopez, Edison Junior/Senior High School; Laura Rivera, Gavit Middle/High School; Susan Barriga, Griffith Senior High School; Tina Rongel, Hammond High School; Iris Sanchez, Hanover Central High School; Raymond Padron, Hebron Junior/Senior High School; Nicole Yadron, Highland High School; Nina Ramos, Hobart High School; Elvin Roman, Horace Mann High School; Megan Mendoza, Lowell High School; Carmen Bonilla and Robert Martinez, Merrillville High School; Rebekah Perez, Morton High School; Christopher Garcia and Odette Gutierrez, Munster High School; James Espinoza, Portage High School; Patrica Cisneros and Javier Fuentes, River Forest High School; Mabel Lamas and Allison Karas, Thornton Fractional North High School; Leslie Cruz, Thornton Fractional South High School; William Marquez and Alison DeSchamp, Valparaiso High School; and Santiago Rodrigues, Jr., Whiting Middle/High School.

The students who received awards for Outstanding Athletic Achievement include: Matthew Murawski, Andrean High School; Israel Anthony Roman, Bishop Noll Institute; Daniel Mendez, Boone Grove High School; Seleno Gomez, Calumet High School; Manuel Amezcua, Clark Middle/Senior High School; Paul Maldonado and Frank Chabes, East Chicago Central High School; Nick Reyes, Edison Junior/Senior High School; Enrique Luna, Gavit Middle/Senior High School; Stefanie Dominquez, Griffith Senior High School; Diana Cruz, Hammond High School; Jennifer Conley, Hanover Central High School; Rachel Guzman, Highland High School; Kristopher Kingery, Hobart High School; Jose Fogleman, Lowell High School; Mike Villanueva, Merrillville High School; David Mendoza, Morton High School; Alaina Altschu and Derek Serna, Munster High School; Nicholas Munoz and Leroy Vega, Portage High School; Mellissa Piunti, River Forest High School; and Luis Dominguez, Whiting Middle/Senior High School.

Those students who received awards for being an Outstanding Student include: William Maldonado, East Chicago Central High School; Zack Escobedo, Lake Ridge Middle School; Thomas Bonez, Portage High School; and Jason Lee Pedroza, River Forest High School.

The Council also presented the Outstanding Family Award to Jose and Josephine Valtierra and their 11 children. This distinguished family was carefully selected from many qualified families on the basis of their unity and dedication to one another's successes. The Senoras of Yesteryear received the President's Award. This Senoras of Yesteryear honors women

who have recorded and documented achievements of Hispanic families in East Chicago and the Indiana Harbor Region. The Community Organization Award was presented to the Hammond Hispanic Community Committee. Juan Andrade, Jr. earned the Cesar Chavez Award for co-founding the Midwest-Northeast Voter Registration Education Project. Juan was also recently named one of the ''100 Most Influential Hispanics in America'' by the Hispanic Business Magazine.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in applauding all of the award recipients chosen by the Hispanic Coordinating Council. I feel that all of the participants are most deserving of the honors that were bestowed upon them. Moreover, I would like to commend the Hispanic Coordinating Council, its President, Ben Luna, and all of the Council members for committing themselves to preserving their culture. It is my privilege to commend them on their achievements.

25TH ANNIVERSARY OF GAY AND LESBIAN ACTIVIST ALLIANCE OF WASHINGTON, DC

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Ms. NORTON. Mr. Speaker, Tuesday, April 16, 1996, marks the 25th anniversary of the Gay and Lesbian Activist Alliance [GLAA]. GLAA is the oldest consistently active lesbian and gay political and civil rights organization in the United States. I am proud to represent GLAA in Congress and to count its members among my friends.

Since its founding in 1971, GLAA has remained a nonpartisan organization and a consistent force advocating the civil and political rights of the lesbian and gay people in Washington, DC, and across the Nation. GLAA has played a pivotal role in establishing a ban on discrimination against lesbian and gay public schoolteachers in Washington, DC, the first in the Nation. Its efforts helped lead to the passage of DC's Human Rights Act, the founding of the Civilian Complaint Review Board, the reform of the District's sodomy statute, and the enactment of DC's domestic partnership law.

GLAA's work with elected officials in Washington, DC, has resulted in more effective AIDS prevention programs targeted to the public schools, to the prisons, to the homeless, and to underserved populations in the Nation's Capital. The alliance's tireless advocacy on behalf of persons living with AIDS increased local funding for AIDS services and programs.

I hope my fellow Members will join me in congratulating the Gay and Lesbian Activist Alliance on its 25th anniversary. I wish them every success in their future endeavors.

TRIBUTE TO DR. JAMES J. FADULE, JR.

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Mr. MARTINI. Mr. Speaker, I rise today to pay tribute to a very special individual from the Eighth Congressional District of New Jersey.

Dr. James J. Fadule, Jr. has served as superintendent of the Nutley Public Schools for the past 18 years and has set the standard for pedagogical excellence.

''What should I be when I grow up?'' is a question many young people ask when they are in school. Dr. Fadule has changed the premise of the question by encouraging students to ask ''What should be my work in the world?'' This is not a question about a paycheck, but a question about life.

The work of Dr. Fadule's life has been to push students and teachers to expand their energies for the sake of achieving something special. Work in this intrinsic sense is not what we do for a living but what we do with our living.

Some of life's greatest joys come from the work of one's life. Indeed, those who have neglected the joy of work, of a job well done, have lost something very meaningful. Thank you, Dr. James Fadule for your life's work—I am certain that as you begin your retirement you will continue to encourage, teach, and appreciate others in all that you do.

THE ENVIRONMENT

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Ms. PELOSI. Mr. Speaker, as we approach the 26th anniversary of the first Earth Day next Monday, I would like to make the following observations about the 104th Congress.

The 104th Congress came to Washington with an aggressive, antienvironment agenda promoted largely by industry and special interest groups who were determined to turn back 25 years of progress to protect public health, safety, and the environment.

The budget cuts proposed by the Gingrich Congress for the Department of the Interior and the Environmental Protection Agency are aimed at the heart of our Nation's environmental protection. The two departments with the greatest environmental authority have become the prime targets in the current attack on the environment.

The proposed cut in funding for the EPA is 21 percent below last year's level, which would seriously affect EPA's enforcement of clean air, clean water, and safe drinking water laws. The Interior appropriations bill included provisions to open Alaska's Tongass National Forest to increased logging and continue the moratorium on listing new endangered species.

The funding for protection of our Nation's wetlands, endangered species, forests, and public lands must not be sacrificed in favor of short-term profits for miners, grazers, and developers. Programs to protect our Nation's water and air should not be held hostage to budget antics that have left these primary environmental agencies limping through the 1996 fiscal year with only a fraction of the funding needed to function.

The impacts of Republican cuts to the EPA include:

Weakened enforcement of environmental laws—including a 40-percent reduction in health and safety inspections of industrial facilities;

Delayed new standards to protect drinking water—including tap water standards for pollutants like cryptosporidium, which killed 100 people in Milwaukee in 1993;

Delayed new and ongoing cleanups at toxic waste sites—start of new construction halted at 68 sites; pace of cleanup slowed at 400 sites;

Rolled back community right-to-know information about toxic chemicals;

Created barriers to developing new controls to protect rivers and streams from industrial water pollutants;

Delayed approving pesticides with lower health risks as a safer alternative for farmers;

Delayed new standards for toxic industrial air pollutants;

Delayed review of air pollution standards to ensure adequate health protection; and

Delayed studies on how toxic chemicals may impair reproductive development and studies on how pollution affects high-risk populations.

These are just some of the effects of the cuts to EPA funding. I have not even listed the serious impacts of spending cuts on the Department of the Interior.

I will conclude with two observations. First, scientists say you cannot separate personal health from the health of our environment. Pollution prevention equals disease prevention. These foolish cuts are reducing our Nation's investment in public health. It is false economy to cut back on enforcement of clean air and clean water. How sad that 26 years after the first Earth Day and a generation of fighting pollution, the Republicans are choosing to dismantle environmental programs.

Second, I will call attention to a report on environmental protection by the California State Senate. The press reports, ''Contrary to popular belief, environmental regulations are not a major cause of job losses and declining economic performance.''

The Senate report concludes that environmental laws are not a major cause for the relocation of business to other States or countries. According to the report, more jobs are lost from leveraged buyouts and mergers than from controlling pollution.

The American people have the answer—they want a safe and healthy environment. We should follow their lead, and we should live up to their expectations that the Federal Government will ensure their health and safety at all levels. We should remember that every day of every year.

H.R. 3173—THE CONSUMER PRODUCTS SAFE TESTING ACT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Mr. LANTOS. Mr. Speaker, I rise today to call to the attention of my colleagues the

Consumer Products Safe Testing Act which I recently introduced, along with thirty-two of our colleagues. This long-overdue legislation aims at scaling back outdated and burdensome federal regulations used by the FDA and other Federal agencies regarding toxicity testing of cosmetics, corrosives, and other substances. The bill calls on all Federal regulatory agencies with jurisdiction over toxicity testing to review and evaluate their regulations concerning animal acute toxicity testing. The bill establishes no new mandates regarding animal toxicity testing. For many years, the Federal Government has used animals to test the toxicity of consumer products. This bill seeks to establish, wherever possible, non-animal acute toxicity testing as an acceptable standard for Government regulations without compromising human safety.

Development of new technology has achieved substantial gains in the field of non-animal alternatives for acute toxicity tests. Many cosmetic companies, including Avon, Revlon, Redken, Paul Mitchell, The Body Shop, and Nexxus, already use alternatives to animal testing for screening and developing their products. In addition, many biotechnology firms are developing non-animal tests to determine the safety of various consumer products they produce. These tests include Skintex by InVitro International and Testskin by Organogenisis, Inc., which use human skin equivalent to measure irritancy. InVitro has actually developed a series of non-animal test kits which evaluate and rank irritancy and toxicity of a wide variety of substances.

Despite these advances, the Federal Government still relies on animals for toxicity testing. The result is that many companies at the cutting edge of non-animal technology are forced to market their products overseas. If the United States is to remain a world leader in biotechnology, we must reexamine our Federal regulations to reflect the advances in testing methods already in progress. If we fail to encourage developments in this field and continue using outdated federal regulations, we run the risk of falling behind the rest of the industrialized world and losing our position as a world leader in science. By calling on the Federal Government to reevaluate its regulations on toxicity testing to include non-animal tests wherever possible, the Consumer Products Safe Testing Act will encourage U.S. companies to develop and market non-animal testing products in the United States.

Non-animal alternatives to toxicity tests, in addition to being more humane, produce better data and reduce costs over the long term. Scientists agree that, despite the usefulness of animals for testing purposes, human cells and tissue produce more accurate results. As technology progresses to develop an acceptable battery of tests, non-animal toxicity testing can provide a more cost effective method of testing products. Savings can be realized from reduction in animal care and storage, in addition to time saved.

Time involved in product testing remains a crucial factor. Many product development companies spend large amounts of time and resources in the government regulatory process. Animal testing often takes several years to complete. If acceptable alternatives are developed, this would save the producer, as well as the regulatory agency, time and money during the lengthy and cumbersome approval process. In asking the Federal Government to review its regulations concerning toxicity testing, the bill takes a bite out of federal regulation, while ensuring consumers' safety.

In recognition of the contribution animal tests make to the medical community, the bill specifically exempts all medical research. Only regulations regarding toxicity testing are affected.

I am delighted to sponsor the Consumer Products Safe Testing Act. This legislation will move towards ensuring that the Federal Government treats non-animal acute toxicity testing as an acceptable standard and that outdated and cumbersome regulations are reviewed and reevaluated.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 159, CONSTITUTIONAL AMENDMENT RELATING TO TAXES

SPEECH OF

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1996

Mr. WATTS of Oklahoma. Mr. Speaker, Americans understand the necessity of paying bills, balancing checkbooks, and living within their means. It is unfortunate that Americans must struggle to make ends meet, but their Government does not understand that concept.

The current Tax Code, with its high marginal rates and thousands of pages of rules, regulations, and redtape, poses a formidable barrier to economic growth. Tax reform must move toward making the Tax Code more user friendly and create incentives for savings and investment.

America's voters sent Washington a message in November 1994—just as Americans balance their budgets, so should the Government. This Congress has made fiscal responsibility the hallmark of our legislative agenda. We passed the Balanced Budget Act of 1995, which included a tax reform package, but unfortunately, the President vetoed it.

Today, millions of Americans will pay the Federal Government their share of the tax cut that the Republican Congress promised, then passed, and that the President promised, then vetoed. The Congress passed this tax cut because we believe the people who earn the money should keep more of what they earn, so they can do more for themselves, their children, their churches, and their communities.

For too long, Congress denied its responsibility by using tax increases to cover up its own lack of political will to make tough budgetary decisions. Because Federal benefits tend to be targeted at specific groups, special interest groups consistently come together to effectively lobby for more spending. Taxes, on the other hand, are spread among many millions of working Americans who don't hire Washington lobbyists.

Limiting the ability of Congress to raise taxes will force Congress to set real budget priorities. To safeguard our children and grandchildren from a return to the profligate ways of the past, of tax and spend, and spend and tax, we must enact a tax limitation amendment that ensures congressional accountability for the taxpayers' money.

My home State of Oklahoma has had a tax limitation on its books since 1922. It also has a balanced budget law. In Oklahoma any new tax must be submitted to a vote of the people of the State unless the tax receives a three-fourths supermajority of both the State house and the State senate. I wonder how many new taxes or tax increases would pass if they required a two-thirds supermajority or were submitted to a vote of the American people?

THE ''WE THE PEOPLE'' PROGRAM

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Mr. BURTON of Indiana. Mr. Speaker, on April 27–29, 1996, more than 1,300 students from 50 States and the District of Columbia will be in Washington, DC, to compete in the national finals of the ''We the People . . . the Citizen and the Constitution'' Program. I am proud to announce that the class from Lawrence Central High School in Indianapolis, IN, will represent Indiana's Sixth Congressional District. These young scholars have worked diligently to reach the national finals by winning local competitions in their home State.

The distinguished members of the team representing Indiana are: Amber Anderson, Carrie Anderson, Heather Bailey, Alicia Crichton, Nathan Criswell, Finda Fallah, Jeremy Freismuth, Lourie Gilbert, Robert Gordon, Phillip Gray, Amanda Gross, Tim Halligan, Lindsey Hamilton, Brandon Hart, Scott King, Brent Patterson, Mike Petro, Megan Pratt, Jason Roberts, Anthony Roque, C. David Smith, Tony Snider, Tomeka Stansberry, Crystal Sullivan, Sarah Thompson, Gene Wagner, Maurice Williams, and Mike Zabst.

I would also like to recognize their teacher, Drew Horvath, who deserves much of the credit for the success of the team, The district coordinator, Langdon Healy, and the State coordinator, Robert Leming, also contributed a significant amount of time and effort to help the team reach the national finals.

The ''We the People . . . the Citizen and the Constitution'' Program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day national competition simulates a congressional hearing in which students' oral presentations are judged on the basis of their knowledge of constitutional principles and their ability to apply them to historical and contemporary issues.

Administered by the Center for Civic Education, the ''We the People . . .'' Program, now in its ninth academic year, has reach more than 70,400 teachers, and 22,600,000 students nationwide at the upper elementary, middle, and high school levels. Members of Congress and their staff enhance the program by discussing current constitutional issues with students and teachers.

The ''We the People . . .'' Program provides an excellent opportunity for students to gain an informed perspective on the significance of the U.S. Constitution and its place in our history and our lives. I wish these students the best of luck in the national finals and look forward to their continued success in the years ahead.

TRIBUTE TO DR. LOREN BENSLEY OF CENTRAL MICHIGAN UNIVERSITY

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize an outstanding teacher, writer, and scholar as he retires from Central Michigan University. On May 2, 1996, Dr. Loren Bensley will celebrate his retirement after 33 years of service to his students, the community, and the health profession.

Dr. Bensley is recognized as a State, national, and international scholar in the field of health education, with 60 publications and more than 100 presentations to his credit. As president of the American School Health Association, he received 32 awards from various professional organizations for his leadership and contributions. Under his leadership, the Eta Chapter of Eta Sigma Gamma, the National Health Science Honorary, won the National Chapter of the Year award 10 times. Such outstanding accomplishments are a testament to his academic brilliance and exceptional leadership capability.

Mr. Speaker, Dr. Loren Bensley's love for and dedication to education is clear. He has consistently gone beyond what was expected or required to achieve excellence not only in teaching, but writing and leadership. His reputation as a kind, inspiring, and hard-working scholar will serve as an example to all who know him for many years to come. I know you will join me in recognizing his achievements and wishing him a satisfying retirement.

''ANSWERING AMERICA'S CALL'' HAWAII'S WINNING ESSAY IN VOICE OF DEMOCRACY CONTEST

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

April 16, 1996

Mrs. MINK of Hawaii. Mr. Speaker, I submit the winning essay in the Hawaii State Veterans of Foreign Wars Voice of Democracy Competition. The author, Emily Shumway, resides in my district. She attends Kahuku High School and serves as the senior class president. In her script, Ms. Shumway explores the theme ''Answering America's Call.'' Her entry gained national recognition from the Veterans of Foreign Wars, and she was recently awarded the Mr. and Mrs. James H. Black Scholarship.

I join with her parents, Mr. and Mrs. Eric Brandon and Carolyn Merrill Shumway of Laie, HI, to congratulate Emily Shumway for her outstanding performance in the 1996 Voice of Democracy Program. The VFW Post 3927 of Waimanalo, HI, sponsored her in this year's contest. Her essay is as follows:

ANSWERING AMERICA'S CALL

(By Emily Shumway)

A young boy clings to his mother's black dress, his eyes fixed on the bright flag draped over a coffin. The rays from the blazing Arizona sun sparkle and dance on the shining flag, causing it to glitter. The flag lights up the gloomy circle he stands in. His trance is broken by the sound of crying. He looks over at Corporal Far's young widow, her whole body shaking in anguish and sorrow. He moves his attention towards a young marine in a crisp blue uniform. He watches the soldier closely as he removes a shining gold bugle from its case. The bugle boy raises the instrument to his lips and starts to play. The haunting melody of ''Taps'' fills the little boy's ears and goose bumps rise on his skin. Each moving phrase of the melody is echoed by another bugler standing on a hill about a quarter of a mile away. The music penetrates the silence across the lonely Arizona desert. To the small child, the whole desert resonates. So much so, that even the sagebrush and the tumble weeds seem to stand at attention. He senses that he is witnessing one of the most significant of human events. There is a line of military men standing alongside the casket with burnished rifles at their sides. In unison they raise their guns into the air and fire 3 shots as the final note of ''Taps'' floats solemnly over the crowd and lingers for a few moments. The feeling in the air is almost tangible. Even the little boy of five recognizes the importance of what he is observing. He is not a spectator, but a participant in the event taking place. His attention returns to the flag in the center. ''What does one do to deserve such honor?'' he thinks.

If America could speak she would say, ''I need men and women who would give their very lives to protect me and preserve the freedom and justice I stand for. Patriotism in this country, so vital for a nation's survival, has been increasingly replaced by cynicism and mistrust of government. I need men and women who embody the same spirit that possessed George Washington, Paul Revere, Abraham Lincoln, Frederick Douglas, Susan B. Anthony, Harriet Tubman, Theodore Roosevelt, Sergeant York, General MacArthur, and even Corporal Far.''

America's call is a call to uphold her commitment to peace, freedom, liberty, and justice for all. In an age where discontent and excessive individuality seek to undermine and trivialize patriotic actions, America calls out to each man, woman, and child to remember the sacrifice of thousands, even millions, like Corporal Far. They believe in America's future and they proved it with their very lines. May each one of us of the rising generation know and feel, as did the five year-old Arizona boy, the honor of devoted service to our country. Though we may not die for our country, let us live for it by seeking for ways to uphold and strengthen its righteous institutions while constantly focusing on improvement. Each one of us must thus answer America's call.

IN SUPPORT OF 35TH ANNIVERSARY OF THE PEACE CORPS

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise today to offer my congratulations to the Peace Corps on the celebration of its 35th anniversary and to thank all of the many volunteers who have given so much of themselves over the past three and a half decades to ensure the success of the Peace Corps mission abroad.

The Peace Corps currently has over 6,000 American volunteers operating in 94 countries, providing skills and services that range from teaching English in densely populated cities to repairing damaged or outdated water structures in remote villages. The beauty of this program is that it is a cultural exchange. Yes, the host countries are exposed to some of the technological and social advancements our country has to offer through the important services of the Peace Corps volunteers; but after 2 years of service, the volunteers also bring back home with them more than they could ever anticipate: a new language, a new culture, new job skills, and an enlightened world view. This is a win-win program if I've ever seen one.

Knowing that the creation of the Peace Corps was one of President Kennedy's proudest accomplishments during his administration, I am pleased to see that my uncle's vision for the involvement of U.S. citizens in international development has endured. My hat's off to all current and former Peace Corps volunteers, and I sincerely hope that their idealism and service to both our country and our international neighbors continues to be passed on from generation to generation.

SIDE WITH DOCTORS AND SCIENTISTS, NOT THE DOPE PUSHERS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Mr. SOLOMON. Mr. Speaker, the pro-drug crowd is at it again, Mr. Speaker. They never tire of their sneaky attempts at legalizing drugs. Their latest endeavor is in, no surprise here—California—where a fringe group called Californians for Compassionate Use is lobbying the California Legislature to pass two bills which would legalize marijuana use for medicinal purposes. Because marijuana has no medicinal value, it is fairly obvious that this is nothing but a backdoor attempt to legitimize the use of marijuana for all purposes. And that is not just my opinion.

Mr. Speaker, the FDA has repeatedly rejected marijuana for medical use because it adversely impacts concentration and memory, the lungs, motor coordination and the immune system. A recent evaluation of the issue by scientists at NIH concluded, ''after carefully examining the existing preclinical and human data, there is no evidence to suggest that smoked marijuana might be superior to currently available therapies for glaucoma, weight loss associated with AIDS, and nausea and vomiting associated with cancer chemotherapy.''

Marijuana weakens the human immune system. That is why oncologists reject the idea of prescribing smoked marijuana for cancer chemotherapy. Experts also oppose the use of marijuana to treat glaucoma. As for AIDS patients, it does not facilitate weight gain, further weakens the immune system, and puts them at significant risk for infections and respiratory problems.

For these reasons the American Cancer Society, the American Glaucoma Society and the American Medical Society all oppose using marijuana for medicinal purposes.

Unfortunately, this seriously misguided effort is not limited to some hippies out in California. It has reached the Congress of the United

States. Representative BARNEY FRANK has introduced legislation—H.R. 2618—that would federalize the right to use marijuana for medical purposes. This is dangerous legislation—and I can assure you, Mr. Speaker, that I will stop H.R. 2618 dead in its tracks should it receive significant support—something I do not anticipate happening.

I urge my colleagues to focus on what this issue is all about: The organizations lobbying for H.R. 2618 are intentionally exploiting the pain and suffering of others as part of their backdoor attempt to legalize marijuana.

TRIBUTE TO JACK SHAFFER

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Mr. SHUSTER. Mr. Speaker, I rise today to pay tribute to Mr. Jack Shaffer. No words could better describe the character of Jack Shaffer than were expressed in Time magazine on the naming of his new cabinet officers by President Nixon in 1968, ''cool competence rather than passion or brilliance.''

Many of our Nations' leaders are born in small rural towns. Everett, PA on Feb. 25, 1919, was Jack's birthplace. He grew up much the same as any small town boy would. Appointed to West Point in 1941, where he played football, he was a member of the first class to receive airmen's wings upon graduation. From there he went to transition flight school, thence to England where he flew forty-six combat missions over Europe in a B–26.

Staying in the Air Force, he became a project officer in Ohio directing the engineering development of the B–47 and B–50 programs. He then resigned his commission and joined the Mercury division of the Ford Motor Co., moving to Washington as corporate vice president for customer requirements of TRW Inc.

With the return of the Republican Party to the Presidency in 1968, President Nixon selected him to become Administrator of the Federal Aviation Administration and he was easily confirmed by the Senate.

Having volunteered his time to the Agency before confirmation, he recognized the need for a massive increase in the civil aviation infrastructure. He saw, as his first priority, the need to modernize and update the Nation's air traffic control and airport systems. He also recognized that the surrounding environment needed protection. Although he was at odds with others in the administration, he stuck to his principles and succeed in passing, through a Democratic Congress, the Airport and Airway Development Acts of 1970. The Legislation set aside a trust fund for airport construction which is still a vital element in providing for the ever-increasing use of air transportation, not only in the United States but throughout the world.

In order to protect the flying public, although faced with strong opposition, he also established regulations to limit the number of flights per hour into five of the Nation's air traffic hubs. JFKennedy, Washington National, LaGuardia, O'Hare, and Chicago Midway. Although designed as a temporary fix, the restrictions still remain in place today. Growth continues to outpace capacity.

Another issue with heavy international connotations was the increase in aircraft highjacking. Highjackers flew aircraft to Cuba for refuge and in several instances, passengers or crew were killed. Negotiations with Cuba and other countries denied these criminals a safe haven. Passengers and luggage were screened for weapons. With air marshalls assigned by the FAA, the number of highjackings decreased dramatically by 1972. However, some of the safety arrangements still exist. During his tenure air safety reached a new high. In 1970, only two deaths occurred on U.S. air carriers.

The most difficult task for the Administrator was to instill confidence in the Agencies air traffic controllers. Following a sick-out by controllers on duty, with as many as 50% of a single shift calling in sick, delays and flight cancellations became burdensome to the flying public. Finally, in 1972, it took court action to curtail their union activities. The Air Traffic Controller Career Act, spearheaded by Jack Shaffer, provided early retirement and retraining for its group, some 20,000 employees.

As a result of these many advancements in the aviation system, Jack Shaffer, in 1972 was awarded the Wright Brothers' Trophy for outstanding service in advancing aviation. He was the first FAA Administrator to be so honored.

One of Jack Shaffers' friends is the legendary golfer, Arnold Palmer, also raised in a small Western Pennsylvania town. In many regards, the two are a lot alike, sharing the same qualities; tenacity, desire, passion for what they do and love of the game of golf. Both have reached the pinnacle of their profession, are pilots, and remember their heritage.

After leaving the FAA, Jack continued his career in the private sector acting as a consultant to Beech Aircraft Corp. and advancing the use of Liquid Natural Gas as a preserver of the environment. He is a role model for political appointees who move from the private sector to government when duty calls.

Jack has been married to Joan for over fifty years and they have raised three fine children. He is currently in a nursing home in Frederick, MD, and is sorely missed by those who know him and have benefited by his influence on their lives.

IN SUPPORT OF ROTARIANS AGAINST SUBSTANCE ABUSE FOUNDATION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Mr. MILLER of California. Mr. Speaker, I am pleased to introduce today a House concurrent resolution to recognize the work of the Rotarians Against Substance Abuse Foundation, the First Presbyterian Church of Concord, CA, and the Alcohol and Drug Abuse Council of Contra Costa County, CA.

These organizations came together in 1983 to promote the idea of engaging teenagers in positive activities and having fun without using alcohol and drugs. Through programs such as Friday Night Live, Club Live, and Rotary Life Club #1, teenagers participate in on-campus peer counseling, community services, Kidfest, and other fun and worthwhile activities. Today, with the success of these programs, this idea is being promoted all across our Nation and throughout the world.

These organizations deserve our commendation for their concern for children's well-being, community service, private initiative, and international promotion. Their work in providing positive activities for teenagers deserves the recognition and support of this House.

I urge my colleagues to support this important bill.

PERSONAL EXPLANATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Mr. TIAHRT. Mr. Speaker, earlier today I was unavoidably detained. Had I been present, I would have voted in the affirmative on rollcall vote No. 119 (H.R. 2337) and rollcall vote No. 120 (H. Res. 316). I would request that my statement be placed in the appropriate location in today's CONGRESSIONAL RECORD.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 159, CONSTITUTIONAL AMENDMENT RELATING TO TAXES

SPEECH OF

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1996

Mr. WELLER. Mr. Speaker, I come back to Washington today after an important district work period. I say important because with tax day approaching, and now finally here, I heard time and time again from constituents who are overtaxed. As a result, they find it very difficult to save for retirement, for a down payment on a home, and for a college education for their children

The American people aren't dumb. They know all to well that the largest obstacle to their personal prosperity is an out-of-touch Government that spends without restraint and looks to the taxpayers to bail it out after the fact.

Some in this Chamber may have forgotten that President Clinton's 1993 tax hike was passed out of this body by a single vote. I am here to tell you that the people of the 11th district haven't forgotten that vote that enacted the greatest tax increase in the history of our Nation, no, the history of civilization. My constituents, who have been squeezed by this additional tax, know all to well what $1,100 in additional taxes has meant for them. This was the single largest contributing factor to the doubling of the American tax burden from $2,300 in 1980 to $4,800 in 1995. According to the Census Bureau, household incomes were actually lower in 1994 than they were when Bill Clinton took office in 1992 and there is no evidence to suggest that they have risen since then because economic growth has been so slow.

That is why I am proud to come to the well today as a cosponsor of this historic legislation to bring some accountability to the Halls of

Congress. The American people support making it more difficult for Congress to raise taxes. They ought to * * * Currently, one third of all Americans live in a State with a tax limitation in the Constitution. These citizens know first hand what a tax limitation amendment can do.

In States with a tax limitation taxes grow at a slower rate. This slower rate means that citizens in those States have a fighting chance to get ahead and to save. Economies and employment also grow at faster rates in States that have tax limitations.

Mr. Speaker, every year tax freedom day gets later and later. Currently, Americans need to work until May to pay off their yearly tax burden. Today, we have an opportunity to end this insanity. I urge my colleagues to bring accountability to Congress and freedom to the American taxpayer by passing this important tax limitation amendment to the Constitution.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 159, CONSTITUTIONAL AMENDMENT RELATING TO TAXES

SPEECH OF

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1996

Mr. EWING. Mr. Speaker, taxes in America are too high on working men and women and their families. Today the average American family pays 38 percent of their income in taxes to local, State, and the Federal Government. That means a family with an income of $25,000 a year only takes home $15,500 to spend on their families.

These high taxes not only take money away from families, they also hurt our Nation's economy and slow its growth which means fewer jobs for Americans. The Joint Economic Committee released a study that shows of the States that have raised income taxes these States lost nearly 200,000 jobs and unemployment rose by 2.3 percent. Conversely, in States that cut income taxes nearly one million new jobs were created and unemployment rose by only .3 percent.

Over the past 30 years there have been 16 major votes to increase Federal taxes on Americans. Had a super-majority requirement been in place only 8 would have become law. In the 1980's alone, had the tax limitation amendment been in place taxpayers would have saved $666 billion. The past 30 years shows that the Federal Government can not control its addiction to taxation.

The 104th Congress is conscious of the high tax burden on Americans, just as past Congresses have not been afraid to raise taxes. I therefore support this constitutional amendment because raising taxes is too harmful to our economy, employment, and takes money away from American families. This amendment should be considered as a comparison to the balanced budget amendment and both amendments should be sent to the States for ratification.

TWIN CITIES COMMUNITY HONORS INFLUENTIAL RESIDENT

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Mr. VENTO. Mr. Speaker, I rise today to acknowledge the work of Rev. James w. Battle and to thank him for his outstanding dedication to the St. Paul/Minneapolis communities in Minnesota.

Reverend Battle is the pastor of the Mount Olivet Baptist Church in St. Paul. His activities in the community, however, go far beyond his duties as pastor. Recently, the Luther Seminary recognized him for some of those activities by giving him the Seminary's Race, Church and Change Award. This award was given to Reverend Battle to honor him for his outstanding and tireless efforts to improve cross-cultural relations within the community.

Along with organizations such as the Urban League, Chamber of Commerce, Council on Black Minnesotans, Rainbow Coalition and others, Reverend Battle has taken the lead in the efforts to address many of our community's most daunting problems. He helped organize a meeting of gang leaders from cities across the Nation, brought together to talk about problems associated with gang activity and how they could help forge peace between gangs in their communities. On the local level, he has helped unite several Twin Cities congregations, forming the St. Paul Ecumenical Alliance of Churches. This amazingly effective alliance is helping these 16 congregations coordinate their efforts to address community problems.

During the years he spent giving his time and efforts to our community, Reverend Battle has participated in many efforts to improve the lives of our most precious and vulnerable citizens, our children. They are the future of the Twin Cities, and the nation. By opening doors of opportunity for young Minnesotans in the Twin Cities, Reverend Battle has helped ensure a strong future for our community. The mentoring and guidance he has provided to so many youth will not only increase those children's chances to achieve success, it will also ensure that the next generation of Twin Cities adults feels the same commitment to their community and respect for their neighbors that Reverend Battle holds in such high regard. These lessons are some of the most valuable ones a child will learn in his or her lifetime, and Reverend Battle has served as an exceptional teacher of these lessons.

There is still much work left to be done to address and fill the needs of some Twin Cities residents. However, Reverend Battle's efforts serve as a strong foundation as he and the rest of our community continue this struggle. I join the entire Twin Cities community in thanking him for his hard work on behalf of the community and its residents, and I look to walk through Samaria and face the problems and meet the challenges of the community with a strong leader, Rev. James W. Battle.

Mr. Speaker, I would like to enter the following article into the RECORD. It was printed in the St. Paul Pioneer Press on April 9, 1996. It is a wonderful summary of the good work Reverend Battle has accomplished in the Twin Cities.

[From the St. Paul Pioneer Press, Apr. 9, 1996]

PASTOR HONORED FOR COMMUNITY MINISTRY

(By Pat Burson)

The Rev. James W. Battle Sr. has preached peace to gang members, repentance to sinners and colorblind community service to the clergy.

Battle, known as much for his social activism as his pastorship of Mount Olivet Baptist Church in St. Paul, has opened the church's doors to the community for meetings. In 1993, he helped organize a summit meeting of gang leaders from around the nation to sit down and talk. He helped start an organization to unite local congregations to work collectively to solve problems in their communities.

Luther Seminary will award Battle, pastor of Mount Olivet, its annual Race, Church and Change Award today.

In giving him the award, Luther Seminary honors one of its own: Battle received a master's of divinity degree from the school in 1977. ''It really surprised me,'' Battle said. ''It let's me know you can make a difference in this world.''

According to Rod Maeker, Luther Seminary's director of cross cultural-education, the award is given to unsung heroes for faithfulness to a ministry of reconciliation.

''The seminary views the Rev. Battle's exemplary ministry as a wonderful role model for seminary students, parish pastors and community leaders who are committed to serving their community,'' Maeker said. ''He's a classic.''

Battle has also worked to improve communication and relations between residents, merchants and organizations in the Frogtown neighborhood. And he is co-founder and co-chairman of the St. Paul Ecumenical Alliance of Congregations, an interdenominational, multiracial, grass-roots organization started in 1990 that brings together about 16 local congregations to address housing, education, crime and employment issues within neighborhoods.

Local ministers applaud Battle's insistence that churches get more involved in improving social, economic and living conditions within the communities they serve.

''He's been consistent in saying that churches need to be more responsive to those who have been left out—the underserved—whatever race,'' said the Rev. James Erlandson, pastor of Lutheran Church of the Redeemer who also is involved with the St. Paul Ecumenical Alliance of Congregations.

''Primarily, churches serve the middle class,'' Erlandson said, ''If we're going to be consistent with Jesus' message and the prophets' message, we need to serve the poor and those who have been left out of the economic process, so we can be a voice for those folks. He's been reminding us of that.''

Battle also is known as an advocate for families, children and education. He recently was involved with the Twin Cities African American Parent Involvement Committee, a local group that organized the African American Parent Involvement Day on Feb. 12. The effort was part of a national push to encourage more black parents to take an active role in their children's education.

Phillip Penn, human resources director for the St. Paul Public Schools, said Battle was an enthusiastic member of that organizing committee, attending all the meetings, and even opening his church for gatherings some Saturday mornings. Battle also was key in alerting other ministers about the project and urging them to spread the word to members of their congregations, Penn said.

''He was just extremely supportive in every way.''

THE PASSING OF RABBI ARTHUR J. LELYVELD

HON. LOUIS STOKES
OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Mr. STOKES. Mr. Speaker, I am saddened to announce the passing of Rabbi Arthur J. Lelyveld on April 15, 1996. Rabbi Lelyveld held the post of Senior Rabbi Emeritus of Anshe Chesed congregation (Fairmount Temple), having served as Senior Rabbi for 28 years. With his passing, we mourn the loss of a close friend and a nationally recognized civil rights and religious leader. I rise to share with my colleagues some important information regarding Rabbi Lelyveld and his contributions to the Nation.

Throughout his life, Rabbi Lelyveld was a strong and effective leader in the Jewish community. He was the founder and first president of the Jewish Peace Fellowship. In addition, Rabbi Lelyveld was the past national president of the American Jewish Congress and the American Jewish League for Israel. He served as national director of the B'nai B'rith Hillel Foundations, and executive vice chairman of the American-Israel Cultural Foundation.

During his lifetime, Rabbi Arthur Lelyveld was equally committed to the struggle for civil rights and social justice. At the height of the civil rights movement, Rabbi Lelyveld traveled with other clergy to Mississippi where they served as counselors to the Commission on Race and Religion. Although he was severely beaten, Rabbi Lelyveld was unwavering in his belief that the battle for equality could be won. He was a man of courage who shared a close friendship with Dr. Martin Luther King, Jr., and others involved in the struggle.

The Greater Cleveland community also benefited immensely as a result of Rabbi Lelyveld's strong dedication. He was a gifted orator and a well-known author who was able to draw upon his life experiences as a lesson for others. Rabbi Lelyveld served as the Bernard Rich Hollander lecturer in Jewish thought at John Carroll University, and senior teaching fellow at the Cleveland College of Jewish Studies. He also served as adjunct professor of religion at Case Western Reserve University.

The passing of Rabbi Arthur J. Lelyveld brings to a close a life of service which transcended religious and racial boundaries. He was a brilliant man who devoted his enormous intellect and energies to addressing and working to solve the inequities and ills in our society. He fiercely fought discrimination and racism wherever he encountered it. I came to know Rabbi Lelyveld through our serving on the board of directors together in the Cleveland Chapter, NAACP, and his involvement in the Civil Rights Movement in Cleveland. He was a man of peace but a warrior for righting the wrongs in our society.

In later years, one of my fondest memories was that I had the honor of presenting Rabbi Lelyveld when he served as guest chaplain for the House of Representatives. In his opening prayer delivered in this Chamber in 1993, Rabbi Lelyveld challenged us to conquer the problems facing our Nation, such as homelessness, hunger, and crime. He challenged us to set the standard for other nations to follow. In his prayer, Rabbi Lelyveld shared his vision for this Nation—"a vision of brotherhood, justice and peace."

On April 17, 1996, services for Rabbi Lelyveld will be held at Fairmount Temple in Beachwood, OH. It is my hope that his loving and devoted wife, Teela; his children, Robin, Joseph, David, and Michael; and other members of the family, will take comfort in knowing that others share their sorrow. Rabbi Lelyveld will be remembered for his service to humanity. In tribute to Rabbi Lelyveld, let us work together with renewed vigor to make his vision for our society a reality.

I want to share with my colleagues an article regarding Rabbi Lelyveld which appeared in the Plain Dealer newspaper.

RABBI ARTHUR J. LELYVELD, CIVIL RIGHTS FIGURE, DIES AT 83

(By Zina Vishnevsky)

CLEVELAND—Rabbi Arthur J. Lelyveld, nationally known as a fighter for civil rights and the state of Israel, died yesterday of complications from a brain tumor at Montefiore Home in Beachwood. He was 83.

the Cleveland resident was the spiritual leader of Fairmount Temple in Beachwood, one of the country's three largest Reform congregations.

He gained notoriety for his involvement in the formation of Israel, the civil rights movement and in the struggle against apartheid in South Africa.

He was rabbi of Fairmount Temple from 1958 until retiring in 1986. After becoming senior rabbi emeritus at Fairmount, he served as a lecturer in Jewish thought at John Carroll University, a Jesuit institution.

Rabbi David J. Gelfand, now the leader at Fairmount Temple, said Lelyveld used strict Judaic teachings to bring his civil rights message to synagogues.

"He spoke fearlessly as one of the great advocates of civil rights by making the message of the prophets come alive through his words and deeds," he said. "He emphasized from our own Jewish particularity the eternal importance of universality, the notion that all human beings are interrelated.

"He was fond of saying we were all made in the image of God."

Lelyveld served on the board of the Cleveland chapter of the NAACP in the 1960s and played a major role in the civil rights progress of Cleveland.

"He was the conscience of the community on many critical issues," said Carole Hoover, president of the Greater Cleveland Growth Association. "His strength was in his ability to pull us all together."

He was one of the nation's first rabbis to join the Rev. Dr. Martin Luther King Jr.'s campaign for civil rights. He participated in key marches, including Selma to Mongomery, Ala., and provided financial support to the Southern Christian Leadership Conference.

In 1964, as part of the Cleveland clergy team, Lelyveld served as a counselor for the Council of Federated Organizations under the National Council of Churches Commission on Race and Religion.

He was beaten with tire irons by segregationists while helping to register black voters in Hattiesburg, Miss.

"He was a giant—both as a rabbi and as a civil rights leader. He used his brilliant and keen mind to make people think deeper about social issues," said Rep. Louis Stokes, a Cleveland Democrat, who served on the NAACP board with Lelyveld in the 1960s. Stokes; his brother, former Mayor Carl B. Stokes; and Lelyveld became lifelong friends.

After the beating in Hattiesburg, Lelyveld said that he worried that police would not apprehend the suspects in his assault and would continue to harass civil rights workers.

He issued a statement to his supporters in Mississippi. "There is only one way to stay here and not be corrupted, only one way to stay and be faithful to Israel's convenants: That is to stay and stand up for decency and freedom, with all the risks involved. If you cannot do that—and it is understandable if you can't—then for the sake of your souls, leave Mississippi."

A month later, the men who beat Lelyveld received suspended sentences "on condition of good behavior" and were fined $500 each.

Although he was an anti-Zionist early in his rabbinical career, Lelyveld later said that he had "become convinced of the righteousness of the cause."

He worked for the establishment of Israel as a Jewish state when many American Reform Jews were not always strongly inclined to support Zionism or a modern state of Israel. He met with President Harry S. Truman at the White House in 1946 to encourage U.S. support for a Jewish state, at a time when the State Department seemed hostile to the idea.

In 1970, during the election to his third term as national president of the American Jewish Congress, he spoke out against an attack by Jewish extremists on Arab diplomats in New York in retaliation for a school bus attack in Israel.

"We cannot allow the horrifying acts of Middle East terrorists to push us into committing or condoning irrational attempts to take violent reprisals against Arab representatives in our country," he said.

Born in Manhattan, Lelyveld attended public schools in New York City and graduated from George Washington High School in Manhattan when he was 15 years old.

He attended Columbia College and was the first Jewish editor-in-chief of its newspaper, the Columbia Daily Spectator. He was the student leader of the Glee Club, led a band called the Columbia Ramblers and participated in soccer and wrestling. He graduated Phi Beta Kappa in 1933.

He earned his master's degree in Jewish theology and was ordained a rabbi at Hebrew Union College in Cincinnati. He then taught on a fellowship from Hebrew Union College for two years while his rabbinae was at Congregation B'nai Israel in Hamilton, Ohio.

He became a founder and first president of the Jewish Peace Fellowship, where he worked from 1941 until 1944.

Lelyveld served as executive director of the Zionist Organization of America's Committee on Unity for Palestine from 1946 to 1948. He was national director of the B'nai B'rith Hillel Foundation from 1947 to 1956. From 1956 until he came to Cleveland in 1958, he was executive vice president of the American-Israel Cultural Foundation.

He served as national president of the American Jewish Congress for three consecutive terms from 1966 until 1972 and had served at various times as president of the Synagogue Council of America and the Central Conference of American Rabbis, an association of Reform rabbis in the United States and Canada.

Lelyveld and his wife, Teela, made 28 visits to Israel.

As president of the Synagogue Council of America, Lelyveld served as a representative to the Vatican to improve Catholic-Jewish relations.

Lelyveld taught two religion courses at John Carroll University through the Jewish Chautauqua Society as the Bernard Rich Hollander lecturer, beginning in 1980. In 1989, he filled the Walter and Mary Tuohy Chair of Interreligious Studies at John Carroll.

In 1985, he spent a five-month sabbatical in South Africa as the guest of the United Progressive Jewish Congregation of Johannesburg.

His son, Joseph S., was a long-time New York Times correspondent who covered South Africa during the 1960s and again in the 1980s and is now executive editor of the Times. Lelyveld had once considered a career in journalism himself when he was in college.

In the late 1980s, after he retired from an active role at Fairmount Temple, Lelyveld spent several months in Oxford, England, as a scholar-in-residence at Oxford University. He returned again over the years and was invited back last summer.

He was also an author, One of his books, ''The Steadfast Stream: An Introduction to Jewish Social Values,'' was published in September.

As past president of the Central Conference of American Rabbis, he wrote a book responding to contemporary radical theology entitled ''Atheism is Dead,'' First published in 1968 by World Publishing Co., it was reissued in paperback in 1970 and again in paperback in 1985.

He was mentioned or written about in at least four books in 1993, including ''A History of Jews in America,'' by Howard Schar, and ''Truman,'' a biography by David McCullough.

In 1988, while on leave from John Carroll, Lelyveld served as a chaplain and lecturer on a 100-day Grand Circle Pacific Cruise aboard the Royal Viking Sea.

He was awarded the 1992 Martin Luther King Jr. Award for Social Justice by the African American Archives Auxiliary of the Western Reserve Historical Society.

Lelyveld served as senior rabbi at Temple Emanu El in Honolulu, Hawaii, from September 1994 until June.

He was a member of the Advisory Board of the Pastoral Psychology Institute of Case Western Reserve University's College of Medicine.

Survivors include his wife of 31 years, Teela, and daughter, Robin of Bethesda, Md. He is also survived by three sons from his first marriage to Toby Bookholtz: Joseph S. and David S., both of New York, and Michael S. of Arlington, Mass.; and five grandchildren.

Services will be at 3 p.m. tomorrow at Fairmount Temple, 23737 Fairmount Blvd., Beachwood. Arrangements are by Berkowitz-Kumin-Bookatz Memorial Chapel in Cleveland Heights.

Contributions may be sent to the Arthur J. Lelyveld Memorial Foundation, c/o Fairmount Temple, 23737 Fairmount Blvd., Beachwood 44122; or to the Religion Department of John Carroll University, 20700 N. Park Blvd., University Heights 44118; or to the Montefiore Nursing Home Hospice, David Myers Pkwy., Beachwood 44122.

STUDENT WINS FIRST PLACE IN VFW SCHOLARSHIP CONTEST

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Mr. MASCARA. Mr. Speaker, I am pleased to report to my colleagues that Jonathan Bayat, a senior from Upper St. Clair High School in my district, has won first place in this year's Pennsylvania VFW Voice of Democracy broadcast script writing contest.

An outstanding student who has earned three letters in swimming, Jonathan plans to attend the American University here in Washington, DC, and pursue a career in international service. He also enjoys music and plays the guitar and trombone.

In the eloquent script Jonathan wrote for this contest, appropriately titled ''Answering America's Call,'' he sends a message all of us here in Congress need to hear: We must work together as a community to overcome the problems of homelessness, poverty, and illiteracy. He urges us all to become involved and volunteer our time and talents to help those less fortunate than ourselves.

In an effort to ensure his message is read across the country and to honor Jonathan's accomplishment, Mr. Speaker I ask that his script be included in today's RECORD. Thank you.

ANSWERING AMERICA'S CALL

(By Jonathan Bayat)

''Now we must all hang together, or most assuredly we shall all hang separately.'' When Benjamin Franklin spoke those words to a small group of farmers, smiths, and artisans assembled some 219 years ago in Philadelphia, they were as true then as they are today. He told that group of men that if they were going to do what they had set out to do, to tell the King of England that they had had enough of his tyranny, then they must all stick together. Through thick and thin, through good times and bad times, they had to work together or they would all be killed. Their ideals, philosophies and culture would all be lost. Their unity made it capable for this great nation to rise from the loosely associated and disorganized thirteen colonies which preceded her.

The ability for Americans to come together regardless of race, color, or creed and work in unity for the most basic of American ideals has always made this nation great. From the thousands of Union troops who fought to preserve the nation during the Civil War to the thousands of men who left their homes in 1942 to fight for a land and a people most of them had never even seen, all of them rose to the occasion and to the call from their homeland, America. But the call extended beyond military service it went out to every man and every woman regardless of age.

When our American troops landed at Normandy they did not land alone, but rather were backed by the support of millions of Americans. Millions of Americans who did everything from designing the landing craft which our troops used in their amphibious assault, to the fastening of bolts on the armor plating of tanks which our soldiers used to break the back of the Nazi war machine. When Alan Sheppard became the first American to enter space he did not accomplish this task alone but rather he rode on a rocket that countless Americans played a role in developing. Every person had a function and it was the compilation of these capacities that made this monumental feat possible.

But what now is America's call? Is it to again go overseas to defend freedom worldwide or has the call, now, in recent years, sounded closer to home? Has the proverbial battle for the ''American Way'' moved from foreign shores to our own sacred soil?

The battle being fought now is on the streets of inner-city America and in the classrooms of every public school rather than at the 38th parallel or the DMZ. The battle is now fought with books, knowledge, clothing, and shelter. America now faces the enemies of homelessness, poverty, and illiteracy. But these enemies are neither too great nor too powerful for the transcendent American war machine.

Our focus must simply change. We as Americans must go forth into our own nation and wage war on poverty. Not only with monetary support but also with real community involvement: building houses for the poor, working in soup kitchens, teaching evening classes at homeless shelters. We as Americans must fight for those kids who for whatever reason, be it lack of parental supervision, poor public school systems or overall living environment cannot meet the basic reading and writing standards to be employed. These are the battles which face our nation today.

When Thomas Jefferson remarked in an address to congress that, ''Free men without Education are not free for long,'' he spoke the truth. The lack of education and the poverty and degradation that it breeds must be met head-on and destroyed. I envision an America full of volunteers, a virtual nation of volunteers, an army of civilians fighting a battle which we as a country have lost in the past, an army which would put an end to suffering for thousands of men, women and children, and truly make this country the richest, strongest, and proudest the world has ever seen.

It is time for us, the citizens of the United States, to stand up, and through unity and cooperation fight and win the battle against poverty. In the immortal words of Benjamin Franklin, ''United we stand, divided we fall.''

THOMAS R. BROME ENDOWMENT FUND

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate Thomas R. Brome on the formation of the Thomas R. Brome Endowment Fund by his friends and colleagues at the Ridgewood, NJ, Public Education Foundation. The fund, with an initial endowment of $25,000, is being formed to honor Tom for his many contributions to the community. The fund will be used exclusively to support programs in education in Tom's name.

Tom's contributions have been enormous. He is a gentleman, scholar, corporate giant, community leader, philanthropist and an extraordinary friend. Even beyond his myriad accomplishments, his exemplary character establishes him as a role model for future leaders in America. He has three passions: his family—wife Mimi and their three children, Clint, Bethan, and Heather; his love of the law, and his commitment to volunteerism.

In both the public and private sector, Tom embodies the highest ethical and moral standards, affirms the dignity of every individual and creates compromise and consensus in environments often rife with discord. As a conciliator, Tom is the embodiment of ''win-win'' negotiations. His intellect allows him to do that, but it is his personal warmth, genuine willingness to listen and his ability to find a resolution greater than the sum of the parts that really speak to his special abilities.

Tom has led a life filled with distinctions. The 1960 graduate of Ridgewood High School graduated magna cum laude from Harvard University in 1964. At New York University Law School, he was a Root-Tilden Scholar. After graduation, he clerked for Warren Burger at the U.S. Court of Appeals in Washington before the jurist was elevated to the U.S. Supreme Court. Tom joined the firm of Cravath,

Swaine & Moore in 1968, was elected partner in 1975 and is presently head of the Corporate Law Department.

Despite a challenging career and a rigorous workload, Tom has always managed to find time to give service to the community of Ridgewood and other causes.

Tom is in his third year as president of the Ridgewood Public Education Foundation, with the mission of broadening our children's education experience and helping our school system deliver a world-class competitive education. He has helped establish a successful partnership with the Paterson Education Foundation and a number of districts have looked to Ridgewood as a prototype.

In November 1994, Tom became president of the New York Legal Aid Society Board of Directors, an agency with which he has served since law school. As president, Tom had the task of negotiating contracts and restructuring Legal Aid's staff following an attorneys' strike and New York City's termination of Legal Aid contracts.

He is also co-chair of Weinfeld Associates, a fund-raising arm of NYU Law School, a former president and trustee of the Ridgewood Board of Education, and a former vestryman and warden at St. Elizabeth's Church in Ridgewood.

Tom and I go way back—back further than either of us would care to admit. He was my student at George Washington Junior High School in Ridgewood. From those days a long time ago, I could see Tom was destined for great things. He was sharp, disciplined, handled himself very well, displayed great character and his classmates turned to him for answers. In short, he was a leader among leaders even then.

It is Tom's propensity for hard work, his facile mind and his wonderful ability to deal with people that have allowed him to balance a truly Herculean schedule. Everything he does, he does with full effort and with grace and sensitivity. Perhaps it is the dignity with which Tom treats every individual that truly inspires people to do their best. Ridgewood is truly blessed to have Tom as a resident and I am truly blessed to be able to call him my friend.

CONGRATULATING MICHAEL KENNY, FLORIDA VOICE OF DEMOCRACY WINNER

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Mr. BILIRAKIS. Mr. Speaker, each year the Veterans of Foreign Wars and its ladies auxiliary conduct the Voice of Democracy Broadcast Scriptwriting Contest. This year, more than 116,000 secondary school students participated in the contest, competing for the 54 national scholarships totaling more than $118,000. The contest theme for this year was ''Answering America's Call.''

I am proud to announce that one of my constituents, Michael Kenny, won first place in the state and a $1,000 scholarship in the Voice of Democracy Contest. Michael is a senior at Tarpon Springs High School and hopes to pursue a career in theater.

In his speech, Michael reminds us all of what can be accomplished when we answer America's call and undertake individual acts to improve the world around us. I would like to share Michael's speech with you.

ANSWERING AMERICA'S CALL

(By Michael Kenny)

Around the first of December 1995, due to the efforts of people in Helena, Montana banding together to protect and care for certain ailing and threatened birds, the American Bald Eagle was taken off the endangered species list.

Murder, poverty, homelessness, hunger, discrimination***when we watch the evening news, or read the paper, we seldom see good news like the story about the Bald Eagle. We are often disgusted and shocked at what transpires in the world around us. Many are pointing out our problems without offering any solutions. They see America's flaws and say we are a society destined to failure. America is endangered, but her critics are not listening. They do not hear the soft voice of America as she whispers. America is calling out to us. She asks for our love and respect for her and for her precious needy citizens. She is the voice of the twenty million children living in poverty and the 12 million children hoping for a hot meal so they won't go to bed hungry***again***''help us,'' America calls, ''help them'', ''help each other.''

Let's not waste time criticizing, let's answer. Let's work together and repair what is wrong with this country. She asks us to come together, to stand united in our communities and help those who need food, clothing and shelter. As a letter to the editor in my local newspaper recently put it, ''The truth is that no sense of community can survive unless we the people demand political respect and economic support for the values of human dignity.'' A while back, I was like the many who just complained and put America down. I was angry at the world around me for all of its problems because I felt helpless to make right what was wrong. I am only one person, I thought, what can I do? Recently, desiring to at least do something. I went down to a local soup kitchen to offer some help. I noticed there a young girl in what appeared to have once been a pink dress, but was now only soiled rags. She was cold and clutched tightly an old doll with the stuffing coming out and she was desperately trying to keep warm. My heart sank as she timidly approached the counter. I wanted so much to help her. As I handed her a cup of chicken soup and saw the smile cross that dirt-stained little face as she took her first sip, I knew I had begun to answer her call. She received the nourishment she needed to get through the day. We helped make her life, and others, a little easier, at least for the moment. I realized then that I could make a difference. Finally, I was beginning to hear and answer the call of America.

Our country also calls out for us to be proud. We live in a nation where men and women have traditionally joined in a fight for freedom. So many lives were lost to gain what this country stands for; justice, liberty and community. When you hear the national anthem at a ball game, rise***rise as America calls you to your feet, and when you place your right hand over your heart, be proud of your country. When we answer America's call, we will have come together as a community; white, black, native America, Asian, Hispanic and have erased prejudice and racism. We will have helped our fellow human beings and hopefully, defeated hate and violence. And America will finally hear the praise she so desperately deserves.

So let's listen to our country because all our criticism is drowning out her voice. But she still calls for us to go out and do something. No, You or I alone can't change a whole country, but when people in our community see what we are doing, it will inspire them to do the same, and will create a chain from one community to the next until all of America is answering the call. And then, who knows, maybe this country, like its national symbol, the Bald Eagle, will no longer be endangered.

TRIBUTE TO GIRL SCOUT GOLD AWARD RECIPIENT

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Mr. OBEY. Mr. Speaker, today, I would like to salute an outstanding young woman, Laura Hahn, who has been honored with the Girl Scouts of the U.S.A. Gold Award by the Indian Waters Girl Scout Council in Eau Claire, WI.

She is being honored for earning the highest achievement award in Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning and personal development.

Girl Scouts of the U.S.A., an organization serving over 2.6 million girls, has awarded more than 20,000 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 Leadership Award project, 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 is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

For the Girl Scout Gold Award project, Laura developed a plan to prepare and distribute holiday meals to people who could not leave their homes. Laura worked to secure the funding for the meals and organized volunteers to help prepare and deliver the meals. Through her project, Laura was able to bring together different groups to address the needs of individuals in her community.

The earning of the Girl Scout Gold Award is a major accomplishment for Laura Hahn and I believe she should receive the public recognition due her for this significant service to her community and her country.

TRIBUTE TO NORA W. BRANDT: SPEAKING OUT FOR PEACE

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Mrs. MEEK of Florida. Mr. Speaker, I rise today to recognize the accomplishments of Nora W. Brandt, the principal of W.J. Bryan Elementary School in north Miami. Mrs. Brandt will be honored here in Washington tonight at a ceremony recognizing her efforts to teach young people peaceful means of resolving conflict.

Too often in our society, conflicts are resolved through violent rather than through

peaceful means. Mrs. Brandt's efforts to teach a new generation about ways to settle disagreements without fighting are very much needed today.

To advance the cause of peace, Mrs. Brandt, in 1992 initiated a schoolwide peace campaign at W.J. Bryan Elementary. In subsequent years the school sponsored the Annual W.J. Bryan Peace Summit which has become a model for other area schools. Earlier this year, more than 2,000 students and parents participated in a multicultural peace march organized by Mrs. Brandt and the students of W.J. Bryan.

Mrs. Brandt has also coordinated the schoolwide training of all teachers in ''Creative Conflict Solving for Kids'' and established a Peer Mediation Program.

In 1994 Mrs. Brandt was recognized as Peace Administrator of the Year by the Peace Education Foundation. Under her leadership, W.J. Bryan was named the 1995 Exemplary Peace School by Dade County Public Schools Multicultural Task Force.

Mr. Speaker, I join with all of our community in honoring Nora W. Brandt, educator and peacemaker.

DEDICATION OF THE GENE R. ALEXANDER LEARNING RESOURCE CENTER

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Mr. POSHARD. Mr. Speaker, I rise today to honor Mr. Gene R. Alexander of Benton, IL. For over 30 years he was a devoted teacher and principal, and on April 25 he will be honored for his service when the library at Benton Elementary School is renamed the ''Gene R. Alexander Learning Resource Center.'' I would like to thank ''Mr. A,'' he is fondly referred to, for his relentless promotion of education and his efforts on behalf of the children of Franklin County.

As an educator and administrator I understand the commitment and hard work it takes to make a profound impact on the lives of your students. This task is even harder today, for it seems all school employees are asked to make a case for the benefits of education; students crave entertainment and engagement as much as they desire fundamental knowledge. Mr. A. understood that if he gave enough of himself to the children, they would respond. Even in retirement, he still can be found reading to students, cleaning and painting area schools, spreading the word to say no to drugs, even contributing his own money to purchase school resources. Mr. A has been the difference for many kids between enjoying school and appreciating the value of education instead of just getting by. And, as so often is the case with community leaders, Mr. A's civic participation has not been confined to his chosen profession. He has taught Sunday School at the First Christian Church for 37 years and been an active member and past president of the Benton Kiwanis. His life is a testimonial to selflessness, and we the recipients of his kindness have been truly blessed.

Mr. Speaker, all too often we fail to recognize the contributions that the teachers of our children make to their lives. On this very floor, we hear about how our education system is letting down our students and how overall standards have decreased. Thankfully, Gene R. Alexander has made sure this is not the case in Benton and the surrounding area. I would again like to thank Mr. A for his tireless efforts on behalf of the children of the 19th District. It is an honor to represent him in the U.S. Congress.

TRIBUTE TO LEO NELSON

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Mr. HASTERT. Mr. Speaker, I rise today to honor an outstanding civic leader of Illinois' 14th Congressional District, Leo Nelson, on his forthcoming receipt of the Elgin Cosmopolitan Club's Annual Distinguished Service Award.

Leo Nelson has served the community of Elgin with great distinction over the years, serving as a member of city government for over a decade and participating in a number of community activities. The list of accomplishments during his long career are many, and there are several States across this Nation that are better for his service there. Born and raised in Chicago, Illinois, he graduated from the University of Illinois with a Bachelor's degree in political science in 1957. He then served his country for several years in the U.S. Army, retiring and returning to college at Boston University where he received his Master's degree in 1964. He began his professional career as administrative assistant to the city manager of Rock Island, IL in 1964, and followed that position with city management positions in Wyoming, Michigan and Sidney, OH before settling in Elgin, IL, in late 1972.

Mr. Speaker, Mr. Nelson has been a highly valued member of the Elgin community for nearly 25 years, and his list of civic activities is quite lengthy. He is a former director and current chairman of the Elgin Area Chamber of Commerce Board, the president-elect of the United Way of Elgin Board, member of the Elgin Community College Foundation Board and current chairman of the Robotics and High Technology Academy of School District U–46 in Elgin. His past activities have included time as chairman of the Jayne Shover Easter Seal Center, as chairman of the Greater Elgin Area YMCA Corporate Board, and as a member of the Neighborhood Housing Services Board, the Well Child Conference and the Elgin affiliate of the Literacy Volunteers of America.

Mr. Speaker, I ask you and my colleagues to join me in honoring this dedicated man, for his commitment to the Elgin community and to improving this Nation. I wish him well as they years's recipient of the Elgin Cosmopolitan Club's Annual Distinguished Service Award, an honor that is richly deserved.

RECOGNITION OF CIVIC ACHIEVEMENTS OF ERVIN HIGGS

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Mr. DEUTSCH. Mr. Speaker, for the past 60 years in Monroe County, one man has been at the forefront of fighting for the needs of the Florida Keys. Ervin Higgs has taken a leading role in finding solutions to our communities' problems. In recognition of all of his civic achievements, I would like to take this time to outline all that he has done for south Florida.

The Ervin Higgs story began on April 30, 1936 in Key West, Florida. On that day, Ervin Higgs was born into a family of ''conchs'' who trace their heritage to Spanish Wells in the Bahamas.

In an attempt to contribute his energy to the community, Ervin sought out public service as a profession. He was first appointed by Governor Askew in 1976 as the tax assessor for Monroe County, FL and has served in that position ever since.

When the local government was mandated to adopt a comprehensive plan in compliance with certain state mandates, Ervin was acutely aware of the higher taxes paid under the school funding formula. Even at the early stages, he foresaw that the funding formula could, and probably in the near future, reach a point where local taxpayers would be required to pay more into the state school fund than would be allowed to be expended by the local school board. In order to ensure that all properties were properly reflected on the tax roll when the country adopted the initial comprehensive plan, he realized that the mapping of the environmental features of properties was inadequate. He hired his own consultant and eventually produced maps that were adopted by the county.

Through the years Ervin has been in office, he has defended the equity of the tax roll and even fought in the courts to ensure that everyone paid their fair share. He has cost-effectively modernized the Property Appraiser's Office, passing cost-savings back to the taxpayers.

As he grew older, Ervin developed into one of those endangered species that is currently being threatened in south Florida as a result of an attempt of almost every level of government to influence and control the future of the Florida Keys. As a ''conch'', he has always been acutely aware of the need to preserve the existing natural beauty of the Florida Keys while at the same time attempting to keep the local economic base viable. For all of his work, I would like to take this time to honor his achievements.

PERSONAL EXPLANATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Ms. ROS-LEHTINEN. Mr. Speaker, I was unavoidably absent for the final vote on Tuesday, April 16. I would have voted ''yes'' on rollcall vote 120.

VETERANS AFFAIRS HOSPITAL VOLUNTEER PROGRAM

HON. MIKE WARD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Mr. WARD. Mr. Speaker, the Department of Veterans Affairs [VA] Hospital Volunteer Program is one of the oldest and largest nationally coordinated programs and is an outgrowth of a movement that began during World War II. During that time, volunteers came, unsolicited, to VA hospitals to visit and entertain war-injured patients. After the war, national organizations and the VA formulated this effort by creating the VA Voluntary Service National Advisory Committee.

This year is the 50th anniversary of VA Voluntary Service. That organization has coordinated the donation of more than 400 million community volunteer hours at VA medical centers since 1945.

At the VA Medical Center [VAMC] in Louisville, 585 volunteers worked a total of 58,225 hours last year. This is equivalent to 26 full-time employees and valued at $706,269.

Last year, Louisville VAMC volunteers gave $150,372 in material donations, such as personal hygiene items, art supplies, books, equipment, and vehicles to the medical center. In addition, our volunteers gave $58,321 in monetary donations last year.

Volunteers are vital to the delivery of health care to our nation's veterans. They assist at the Louisville VAMC by transporting patients to different areas of the hospital, transporting records and files, visiting patients, assisting with recreation programs, and helping with clerical work.

The most valuable contribution given to veteran patients by Louisville VAMC volunteers cannot be measured in any way. It is the gift of themselves—their compassion, caring, understanding, and dedication. Their very presence in the medical center contributes to putting frightened patients at ease and creating a comfortable environment for them.

I salute the Louisville VA Medical Center's volunteers for their tireless service to our Nation's veterans.

A TRIBUTE TO UTAH STATE SENATOR WILFORD ''REX'' BLACK

HON. BILL ORTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Mr. ORTON. Mr. Speaker, I would like to take a moment today to honor Utah State Senator Wilford ''Rex'' Black of Salt Lake City, who is retiring from the Utah Senate after representing his west Salt Lake district for 24 years.

Senator Black has earned the high respect and admiration of his colleagues on both sides of the aisle as he has worked in the Utah Senate. An article, published in the Thursday, February 29, 1996, edition of the Salt Lake Tribune written by staff writer Tony Semerad, does a good job describing Senator Black. I would like to include portions of this article in today's CONGRESSIONAL RECORD:

Wilford ''Rex'' Black Jr., trusty locomotive driver of Utah Democratic legislators, pulled into the retirement yard Wednesday after a quarter-century of service.

Part statesman, part grump, part warmhearted grandfather, Black, 76, ended a 24-year Senate career when the gavel fell. As the longest-serving senator in the chamber, he leaves an indelible mark on state government and the politicians who stay behind.

The Senate had been a dry-eyed place in 1996. That is, until Monday, when senators began speaking up at a Black farewell ceremony. One by one, leading Republicans and Democrats folded in tears as they bade farewell to the retired railroad engineer-turned-senator, his firm manner and, above all, his integrity.

''When Rex tells you something, you can take it to the bank,'' said Sen. John Holmgren, R-Bear River City. ''That's just the way it is.''

Through six Senate terms, the Rose Park resident has served as majority whip when Democrats dominated Capitol Hill, and held the post of Senate minority leader for a decade. From key committee seats, he has influenced nearly every major piece of legislation since the late 1970s, focusing on public safety, transportation, credit unions and the state's retirement system.

Senate President Lane Beattie, R-West Bountiful, calls Black and his experience one of strongest arguments against the idea of term limits. ''I can't imagine a worse mistake than limiting the expertise, knowledge and wisdom of a man like this,'' said Beattie.

Many find it impossible to imagine working in the Utah Legislature without Black's leather-tough, sometime gruff, sometime humorous presence.

''He is as much of a part of my mental visualization of what goes on in here as anything or anybody in the chamber,'' said Gov. Mike Leavitt, whose father, Dixie Leavitt, served alongside Black.

But the years catch up with everyone. ''It's my time to go,'' Black said.

While still fit after surviving a bout with cancer six years ago, the gray-haired senator shows an icy bluntness and lack of self-consciousness befitting someone who has spent his golden years making state laws.

He is renowned for reading every bill, even the most mind-dulling, and for being a stickler for correctness in procedure.

He was born in Salt Lake City in 1920 and named for his father, a Hercules shell-house foreman. Seven months after marrying Helen Shirley Frazer in May 1942, Black entered the army, eventually driving supply and prisoner trains across Europe.

Upon his return, Black resumed working for the Denver & Rio Grande Western Railroad, reaching the ranks of union leadership in the Brotherhood of Locomotive Firemen and Enginemen and its successor, the United Transportation Union, until retirement.

He has eight children, 34 grandchildren and four greatgrandchildren, a clan a fellow senator said 'was practically the entire population of Rose Park.' Black also is a devout Mormon.

Eddie Mayne labored in the Bingham open-pit mine 25 years ago, when he and a delegation of other workers approached Black about running for the Senate. Black's wife was decidedly cold to the idea. 'I won't tell you her exact remarks,' he said, 'but it was a definite 'no.'

Mayne, now head of the Utah AFL-CIO and a senator himself, said Black has come to symbolize a Democratic brand of respect and compassion for the elderly, disabled, veterans, workers, and the state's downtrodden.

On their behalf, Black has charged into some of the major political fights of the age.

The only filibuster of his career came under the late Gov. Scott Matheson. Republicans proposed altering state procurement code in a way Democrats felt jeopardized the Intermountain Power Project, an immense coal-fire power plant near Delta, a boon for blue-collar jobs.

Black stalled Senate debate for an hour and 45 minutes, enough time to allow Democrat Matheson to pressure the bill's supporters into backing down.

Finally, they asked me to call it off,' he said with a wry smile.

Mr. Speaker, I add my congratulations and thanks to Senator Black, on behalf of the people of Utah, for his may years of service in the Utah Senate. He will be missed but not forgotten.

MANOJ ILLICKAL WINS FIRST PLACE IN ANNUAL ESSAY CONTEST

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Mr. KING. Mr. Speaker, today I would like to salute a young constituent of mine, Manoj ''Manny'' Illickal, who is working toward his college degree with the assistance of the Gateway Job Corps. Manny recently took first place honors in the Joint Action in Community Service, Inc. [JACS] National Essay Contest.

I offer for inclusion in the RECORD, Manny's award-winning essay, ''How Job Corps Changed My Life.'' It's an inspiring story of how he learned self-discipline and the value of hard, honest work. After reading this essay, I am certain that you'll agree with me that Manny's future is limited only by how far he wants to take himself. He seems to have the right attitude for success.

HOW JOB CORPS CHANGED MY LIFE

(By Manny Illickal)

While my classmates were cleaning other parts of the workshop, I was spending my Friday afternoon mopping the office of my instructor; that is, I was supposed to be mopping his office. What I was actually doing was trying to figure out how best to get out of Building and Apartment Maintenance, out of Gateway Civilian Conservation Center and (most importantly) out of the U.S. Job Corps. I was a really smart kid when it came to quitting things, probably because I had a lot of practice.

After the student-foreman had told me to mop the office I asked, ''Don't you have someone who does that type of work here?'' ''Yeah, we have you.'' I was rather discouraged, because the floor didn't seem to be getting any cleaner. Every few minutes, I would spill a few drops of dirty water onto the floor, and I would halfheartedly move the mop around whenever a classmate walked by the window. Mopping the floor as part of my jobs was beneath me. I was a really smart kid.

Why should I have to do this work? I wasn't even building anything. Enough was enough. I was going to get my pay and get out of this place so fast that they would have to change their name to Getaway. I had quit better places than this one, and it got easier every time. I came to Job Corps because I wanted to get a good job. I hadn't come to the Job Corps work. After all, I was a really smart kid who had never had to work too hard when I was in school.

Of course, I didn't really understand why being smart didn't seem to help too much with my grades. Back in school, I knew I was

smarter than most of my classmates. Whenever there was a good opportunity to leave campus, I would be one of the first guys gone to enjoy the time. A lot of the other guys would waste their time reading over the chapter assigned for tomorrow. Why do it now, since I could do it tomorrow or the day after tomorrow? I didn't need to waste a lot of valuable time reading textbooks. I could always catchup later. After all, I was really a smart kid.

Those guys who didn't even know how to have a good time went off to college, and there I was wasting a perfectly good Friday mopping my instructor's office. Actually, what I was doing had less to do with mopping and more to do with leaning on the mop, while I contemplated the injustice of it all. That was when my instructor entered the office without knocking first and when I began to think that maybe I wasn't such a smart kid after all.

I would describe what he said, but I doubt that the written word would be able to express the volume properly. Also, I'm not too sure how to spell all of it. Suffice it to say that he got his meaning across pretty well. I figure that I might as well quit right then and there, just as I had at my other jobs. Why give him the satisfaction of firing me? Before I got the chance, he grabbed the mop out of my hand and began mopping the floor, even though he was the boss. In a minute he had finished the entire office, even though it was at least 15 square feet. The floor looked so good that I half expected Mr. Clean to be there looking up at us. I'm pretty sure that it had something to do with his putting more muscle into it than I put, especially since he told me that I had to put some muscle into it.

The floor reflected so well on him that I was really surprised when he purposely threw a lot of dirt on it. ''Do you expect me to do your work for you? You came here to learn something.'' Then instead of telling me that I was fired, he told me in his own inimitable style to clean up the place NOW and that there was no excuse for not doing my best. He added that ''all work is a self-portrait of the person who did it.'' Then he went to check on the rest of the students in the shop to spread more joy.

I was standing in an office that had a filthy floor, then had a beautiful and then had a filthy floor again. What a waste. He didn't need to mess up such a good job. He could have left it looking great and I would have learned . . . very little. There aren't that many moments in your life when you feel as though everything has changed, at least there haven't been that many in my life. I had grown accustomed to starting some work, doing half of it, growing bored, getting in trouble, losing my job and walking away from responsibility. Losing and walking away from a job can get to be a habit. This time I couldn't even walk away from the job. Gateway's in the middle of nowhere, and the Center Standards Officer stops everyone who even tries to go AWOL.

This time I was stuck in a filthy office with a mop. It turns out that I was right. If you put a little muscle into it the mopping goes rather nicely. After I finished, it didn't look as good as it had when my instructor did it, but it did look better than it had before I started.

My instructor had said ''all work is a self-portrait of the person who did it.'' Looking back over my life. I figured that it was time to stop eating crayons. I realized that there really isn't any excuse for not doing my best work. Losing had become a habit with me. I wanted to find out whether winning could get to be a habit as well.

I would like to discuss how I went on to becoming the best Building and Apartment Maintenance student that my instructor has ever had, but I would be lying. Not everything went great the moment I realized that I wanted to paint a pretty picture. What did change was that I didn't quit. Many months later, I successfully completed the Building and Apartment Maintenance program of the Home Builders Institute. For the rest of my life, I'm a completer.

As I was completing my trade, my boss told me how proud he was of me. His boss took the time during a business trip from Washington, D.C. to tell me how proud he was of me. Before Job Corps, I was the type of guy a boss wouldn't find, let alone compliment. Now they're recommending me for a Job Corps college program. I'm going to work hard to be a college ''completer'' too.

I have been accepted to the university of the State of New York. How has Job Corps changed my life? Before I came to Job Corps, my self-portrait resembled the finger-printing of a slow kindergarten student. After I came to Job Corps it began to bear some likeness to a college man with a bright future. I would give you more of a critique, but I need to start reading NOW to get ready for college. I'm thinking about taking an elective in art history. I would like to learn about the work of Michelangelo, Da Vinci and my personal favorite, Norman Rockwell. I'm hopeful that if I work hard in school, maybe in a few years I'll be a smart man.

PROF. JOHN HALL SAVES SMITHSONIAN ARTIFACTS

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Mr. SMITH of Michigan. Mr. Speaker, the country owes a debt of gratitude to one of my constituents, Prof. John Hall of Albion College in Albion, MI. His story has been told on the CBS Evening News as well as on the front pages of America's most prominent newspapers.

Professor Hall is an expert in, among other things, World War I fighter planes. He discovered that original pieces from a French World War I aircraft were for sale but which he knew to be the property of the Smithsonian. Inquiries led him to the seller—a Smithsonian curator, who even offered to authenticate the pieces he was selling on Smithsonian letterhead.

Professor Hall contacted the FBI. At their request, he wore a hidden microphone when discussing various aircraft parts that were available for sale with the curator. As a result, the FBI was able to arrest him. Thanks to professor Hall's detective work, the Smithsonian is now undergoing an inventory to see what else might have been stolen and implementing a bar code system to ensure that such theft becomes much less likely in the future.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S3337–S3416

Measures Introduced: Seven bills and three resolutions were introduced, as follows: S. 1672–1678, and S. Res. 243–245. **Page S3384**

Measures Reported: Reports were made as follows:

H.R. 1743, to amend the Water Resources Research Act of 1984 to extend the authorizations of appropriations through fiscal year 2000, with an amendment in the nature of a substitute. (S. Rept. No. 104–252)

H.R. 2243, to amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for three years the availability of moneys for the restoration of fish and wildlife in the Trinity River. (S. Rept. No. 104–253) **Page S3384**

Measures Passed:

Congratulating the University of Kentucky: Senate agreed to S. Res. 244, to commend and congratulate the University of Kentucky on its men's basketball team winning its sixth National Collegiate Athletic Association championship.

Pages S3413–14

Majority Party Committee Appointments: Senate agreed to S. Res. 245, making Majority party appointments to the Committee on Labor and Human Resources. **Page S3414**

James Lawrence King Federal Justice Building: Senate passed H.R. 255, to designate the Federal Justice Building in Miami, Florida, as the ''James Lawrence King Federal Justice Building'', clearing the bill for the President. **Page S3414**

Thomas D. Lambros Federal Building and U.S. Courthouse: Senate passed H.R. 869, to designate the Federal building and U.S. Courthouse located at 125 Market Street in Youngstown, Ohio, as the ''Thomas D. Lambros Federal Building and U.S. Courthouse'', clearing the bill for the President.

Page S3414

Judge Issaac C. Parker Federal Building: Senate passed H.R. 1804, to designate the United States Post Office-Courthouse located at South 6th and Rogers Avenue, Fort Smith, Arkansas, as the ''Judge Issaac C. Parker Federal Building'', clearing the bill for the President. **Page S3414**

Timothy C. McCaghren Customs Administration Building: Senate passed H.R. 2415, to designate the United States Customs Administration Building at the Ysleta/Zaragosa Port of Entry located at 797 South Ysleta in El Paso, Texas, as the ''Timothy C. McCaghren Customs Administration Building'', clearing the bill for the President.

Pages S3414–15

Vincent E. McKelvey Federal Building: Senate passed H.R. 2556, to redesignate the Federal building located at 345 Middlefield Road in Menlo Park, California, and known as the Earth Sciences and Library Building, as the ''Vincent E. McKelvey Federal Building'', clearing the bill for the President.

Pages S3414–15

Illegal Immigration Reform: Senate continued consideration of S. 1664, to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; and to reduce the use of welfare by aliens, taking action on amendments proposed thereto, as follows: **Pages S3348–52**

Pending:

Dorgan Amendment No. 3667, to express the sense of the Senate that a balanced budget constitutional amendment should protect the Social Security system by excluding the receipts and outlays of the Social Security trust funds from the budget.

Page S3349

Simpson Amendment No. 3669, to prohibit foreign students on F–1 visas from obtaining free public elementary or secondary education. **Page S3349**

Simpson Amendment No. 3670, to establish a pilot program to collect information relating to nonimmigrant foreign students. **Page S3349**

Simpson Amendment No. 3671, to create new ground of exclusion and of deportation for falsely claiming U.S. citizenship. **Page S3349**

Simpson Amendment No. 3672 (to Amendment No. 3667), in the nature of a substitute. **Page S3349**

Whitewater Investigation Extension—Cloture Vote: By 51 yeas to 46 nays (Vote No. 61), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected a motion to close further debate on the motion to proceed to the consideration of S. Res. 227, to authorize the use of additional funds for salaries and expenses of the Special Committee to Investigate Whitewater Development Corporation and Related Matters.

Pages S3349–50, S3415

A motion was entered to closed further debate on the motion to proceed to consideration of the resolution and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Thursday, April 18, 1996. **Page S3415**

A seventh vote on a motion to close further debate on the resolution will occur on Wednesday, April 17, 1996.

Terrorism Prevention Act—Conference Report: Senate began consideration of the conference report on S. 735, to deter terrorism, provide justice for victims, and provide for an effective death penalty.

Pages S3350–81, S3415

By 50 yeas to 46 nays (Vote No. 62), Senate tabled a motion to recommit the conference report with instructions to report back with provisions to allow the Attorney General to request military technical and logistical support in an emergency involving weapons of mass destruction. **Pages S3378–81**

A unanimous-consent time-agreement was reached providing for further consideration of the conference report on Wednesday, April 17, 1996. **Page S3415**

Measures Indefinitely Postponed: Senate indefinitely postponed further consideration of the following measures:

Lobbying Disclosure Act: S. 101, to provide for the disclosure of lobbying activities to influence the Federal Government. **Page S3414**

Intelligence Authorizations: S. 922, to authorize appropriations for fiscal year 1996 for intelligence and intelligence-related activities of the United States Government and the Central Intelligence Agency Retirement and Disability System.

Page S3414

ICC Sunset Act: S. 1396, to amend title 49, United States Code, to provide for the regulation of surface transportation. **Page S3414**

Consent Agreement Vitiated: By unanimous-consent, the agreement of September 6, 1995, relative to S. 1124, S. 1125, and S. 1126, was vitiated.

Page S3414

Nominations Received: Senate received the following nominations:

David J. Barram, of California, to be Administrator of General Services.

Hubert T. Bell, Jr., of Alabama, to be Inspector General, Nuclear Regulatory Commission.

John Christian Kornblum, of Michigan, to be an Assistant Secretary of State.

Barbara Mills Larkin, of Iowa, to be an Assistant Secretary of State. **Page S3416**

Messages From the House: **Pages S3383–84**

Measures Placed on Calendar: **Page S3384**

Communications: **Page S3384**

Statements on Introduced Bills: **Pages S3384–S3405**

Additional Cosponsors: **Pages S3405–06**

Notices of Hearings: **Page S3407**

Authority for Committees: **Page S3407**

Additional Statements: **Pages S3407–13**

Record Votes: Two record votes were taken today. (Total—62) **Pages S3350, S3381**

Adjournment: Senate convened at 10 a.m., and adjourned at 7:55 p.m., until 9:15 a.m., on Wednesday, April 17, 1996. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S3415.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—AGRICULTURE

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, and Related Agencies held hearings on proposed budget estimates for fiscal year 1997 for the Department of Agriculture, focusing on food and consumer services, receiving testimony from Ellen W. Haas, Under Secretary for Food, Nutrition and Consumer Services, William Ludwig, Administrator, and George A. Braley, Associate Administrator, both of the Food and Consumer Service, Eileen Kennedy, Director, Center for Nutrition Policy and Promotion, and Dennis L. Kaplan, Deputy Director for Budget, Legislative, and Regulatory Systems, all of the Department of Agriculture.

Subcommittee will meet again on Thursday, April 18.

APPROPRIATIONS—ENERGY AND WATER DEVELOPMENT

Committee on Appropriations: Subcommittee on Energy and Water Development held hearings on proposed budget estimates for fiscal year 1997 for energy and water development programs, receiving testimony in behalf of funds for their respective activities from Victor H. Reis, Assistant Secretary for Defense Programs, and Joan B. Rohlfiing, Director, Office of Non-proliferation and National Security, both of the Department of Energy; and Fred Celec, Deputy Assistant to the Secretary of Defense for Nuclear, Chemical and Biological Defense Programs.

Subcommittee recessed subject to call.

APPROPRIATIONS—MILITARY CONSTRUCTION

Committee on Appropriations: Subcommittee on Military Construction concluded hearings on proposed budget estimates for fiscal year 1997 for Air Force military construction and defense agencies' construction programs, after receiving testimony from Rodney A. Coleman, Assistant Secretary of the Air Force for Manpower, Reserve Affairs, Installations, and Environment, Maj. Gen. George K. Anderson, USAF, Deputy Assistant Secretary for Health Services Operations and Readiness, Bruce M. Carnes, Deputy Director for Resource Management, Defense Finance and Accounting Service, Fred Baillie, Executive Director, Business Management, Defense Logistics Agency, and Millard E. Carr, Director, Energy and Engineering, Office of Deputy Assistant Secretary for Installations, all of the Department of Defense.

ATOMIC ENERGY DEFENSE BUDGET

Committee on Armed Services: Committee concluded hearings on the proposed budget request for fiscal year 1997 for Department of Energy atomic energy defense activities, and to review the future years defense program, after receiving testimony from Hazel O'Leary, Secretary of Energy.

AUTHORIZATION—NTSB/PIPELINE SAFETY ACT

Committee on Commerce, Science, and Transportation: Committee concluded hearings on proposed legislation authorizing funds for the National Transportation Safety Board, after receiving testimony from James E. Hall, Chairman, Kenneth U. Jordan, Managing Director, Daniel Campbell, General Counsel, Peter Goelz, Director, Governmental Affairs, and Bernard Loeb, Director, Aviation Safety, all of the National Transportation Safety Board.

Also, committee concluded hearings on proposed legislation authorizing funds for programs of the Pipeline Safety Act, after receiving testimony from Richard Felder, Associate Administrator of Pipeline Safety, Department of Transportation; John F. Riordan, MidCon Corporation, Lombard, Illinois; and Rick Marini, New Hampshire Public Utilities Commission, Concord.

PROPANE EDUCATION AND RESEARCH ACT

Committee on Energy and Natural Resources: Subcommittee on Energy Research and Development held hearings on S. 1646, to authorize and facilitate a program to enhance safety, training, research and development, and safety education in the propane gas industry for the benefit of propane consumers and the public, receiving testimony from Daryl McClendon, Hinsdale, Illinois, on behalf of the National Propane Gas Association; William Halliburton, The Woodlands, Texas, on behalf of the Gas Processors Association; Paul Culver, Farmland Industries, Kansas City, Missouri; and James M. Childress, Propane Consumers Coalition, Arlington, Virginia.

Hearings were recessed subject to call.

ALGERIA

Committee on Foreign Relations: Subcommittee on Near Eastern and South Asian Affairs concluded hearings to examine United States policy with regard to current developments in Algeria, after receiving testimony from Robert H. Pelletreau, Assistant Secretary of State for Near Eastern Affairs; Robert Mortimer, Haverford College, Haverford, Pennsylvania; and Khalid Duran, Institute for International Studies, Washington, D.C.

House of Representatives

Chamber Action

Bills Introduced: 10 public bills, H.R. 3248–3257; and 4 resolutions, H. Con. Res. 162, and H. Res. 402–404 were introduced. **Page H3488**

Reports Filed: Reports were filed as follows:

H.R. 3121, to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, and to authorize the transfer of naval vessels to certain foreign countries (H. Rept. 104–519 Part 1);

H.R. 2715, to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small businesses, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies (amended) (H. Rept. 104–520 Part 1); and

H.R. 1965, to reauthorize the Coastal Zone Management Act of 1972 (amended) (H. Rept. 104–521). **Page H3487**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Dickey to act as Speaker pro tempore for today. **Page H3389**

Recess: House recessed at 10:10 a.m. and reconvened at 11:00 a.m. **Page H3393**

Journal: By a yea-and-nay vote of 335 yeas and 67 nays, Roll No. 118, the House agreed to the Speaker's approval of the Journal of Monday, April 15. **Pages H3393–94**

Member Sworn: Representative-elect Juanita Millender-McDonald presented herself in the well of the House and was administered the oath of office by the Speaker. **Page H3394**

Suspensions: House voted to suspend the rules and pass the following measures:

Taxpayer Bill of Rights II: H.R. 2337, amended, to amend the Internal Revenue Code of 1986 to provide for increased taxpayer protections (Passed by a yea-and-nay vote of 425 yeas, Roll No. 119); **Pages H3399–H3412, H3434**

Extension of free trade benefits to the West Bank and Gaza Strip: H.R. 3074, to amend the United States-Israel Free Trade Area Implementation Act of 1985 to provide the President with additional proclamation authority with respect to articles of the West Bank or Gaza Strip or a qualifying industrial zone; **Pages H3412–14**

Federal Power Act: H.R. 2501, amended, to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Kentucky; **Pages H3415–16**

Hydroelectric project: H.R. 2630, amended, to extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois; **Page H3416**

Federal Power Act: H.R. 2695, amended, to extend the deadline under the Federal Power Act applicable to the construction of certain hydroelectric projects in the State of Pennsylvania; **Pages H3416–17**

Federal Power Act: H.R. 2773, amended, to extend the deadline under the Federal Power Act applicable to the construction of two hydroelectric projects in North Carolina; **Page H3417**

Federal Power Act: H.R. 2816, to reinstate the license for, and extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Ohio; **Pages H3417–18**

Hydroelectric project: H.R. 2869, amended, to extend the deadline for commencement of construction of a hydroelectric project in the State of Kentucky; **Pages H3418–19**

Historical Reality of Holocaust: H. Res. 316, deploring individuals who deny the historical reality of the Holocaust and commending the vital, ongoing work of the United States Holocaust Memorial Museum (Agreed to by a yea-and-nay vote of 420 yeas, Roll No. 120); and **Pages H3419–23, H3434–35**

Foreign Assistance Act of 1961 and the Arms Export Control Act: H.R. 3121, amended, to amend the Foreign Assistance Act of 1961 and the Arms Control Act to make improvements to certain defense and security assistance provisions under those Acts, and to authorize the transfer of naval vessels to certain foreign countries. **Pages H3423–33**

Senate Bill Returned: House agreed to H. Res. 402, returning to the Senate, S. 1463, to amend the Trade Act of 1974 to clarify the definitions of domestic industry and like articles in certain investigations involving perishable agricultural products. **Pages H3414–15**

Indian Self-Determination and Education Assistance: House passed H.R. 3034, to amend the Indian Self-Determination and Education Assistance Act to

extend for two months the authority for promulgating regulations under the Act. **Page H3423**

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on pages H3489–92.

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of the House today and appear on pages H3393–94, H3434, and H3434–35. There were no quorum calls.

Adjournment: Met at 9:30 a.m. and adjourned at 10:47 p.m.

Committee Meetings

AGRICULTURE, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies continued appropriation hearings. Testimony has heard from Members of Congress and public witnesses.

COMMERCE, JUSTICE, STATE, AND JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State, and Judiciary held a hearing on Inspectors General (Departments of Justice and State) and on the Federal Judiciary. Testimony was heard from the following Inspectors General: Michael R. Bromwich, Department of Justice; and Jacquelyn L. Williams-Bridgers, Department of State; Richard S. Arnold, Chief Judge, U.S. Court of Appeals, Eighth Circuit and Chair, Judicial Conference Committee on the Budget; Owen M. Panner, Judge, U.S. District Court, District of Oregon; Rya W. Zobel, Judge, U.S. District Court, Massachusetts, Director, Federal Judicial Center; William G. Young, Judge, U.S. District Court, Massachusetts; and Leonidas Ralph Mecham, Director, Administrative Office of the U.S. Courts.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior held a hearing on Department of Energy: Fossil Energy Research and Development and on the Department of Energy: Energy Conservation. Testimony was heard from the following officials of the Department of Energy: Patricia Fry Godley, Assistant Secretary, Fossil Energy; and Christine A. Ervin, Assistant Secretary, Energy Efficiency and Renewable Energy.

LABOR—HHS—EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held a hearing on Elementary and Secondary Education, on Minority Languages Affairs and on Special Education and Rehabilitative Services. Testimony was heard from the following officials of the Department of Education: Gerald N. Tirozzi, Assistant Secretary, Elementary and Secondary Education; Delia Pompa, Director, Office of Bilingual Education and Minority Languages Affairs; and Judith E. Heumann, Assistant Secretary, Special Education and Rehabilitative Services.

NATIONAL SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on National Security held a hearing on Military Personnel Issues. Testimony was heard from the following officials of the Department of Defense: Lt.Gen. Theodore G. Stroup, Jr., USA, Deputy Chief of Staff Personnel, Army; Lt.Gen. Michael D. McGinty, USAF, Deputy Chief of Staff Personnel, Air Force; VAdm. Frank L. Bowman, USN, Chief of Naval Personnel; and Lt.Gen. George R. Christmas, USMC, Deputy Chief of Staff, Manpower and Reserves.

TRANSPORTATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation held a hearing on the FAA. Testimony was heard from David R. Hinson, Administrator, FAA, Department of Transportation.

TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Treasury, Postal Service, and General Government held a hearing on the Federal Election Commission. Testimony was heard from the following Commissioners of the Federal Election Commission: Scott E. Thomas; Joan D. Aikens and Lee Ann Elliott.

VETERANS' AFFAIRS, HUD, AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Veterans' Affairs, Housing and Urban Development, and Independent Agencies held a hearing on the EPA. Testimony was heard from Carol M. Browner, Administrator, EPA.

MISCELLANEOUS MEASURES

Committee on Commerce: Ordered reported amended the following bills: H.R. 2024, Mercury Containing and Rechargeable Battery Management Act and H.R. 1514, Propane Education and Research Act.

JANUARY 1, 2000—COMPUTER DISASTER?

Committee on Government Reform and Oversight: Subcommittee on Government Management, Information and Technology, Is January 1, 2000 the Date for Computer Disaster? Testimony was heard from D. Dean Mesterharm, Deputy Commissioner, Systems, SSA; Emmet Paige, Jr., Assistant Secretary, Defense Command, Control, Communications and Intelligence, Department of Defense; George Munoz, Assistant Secretary, Management and Chief Financial Officer, Department of the Treasury; Louis J. Marcoccia, Director, Data Administration and Logistics, New York City Transit Authority; and public witnesses.

SCHOOL DESEGREGATION LITIGATION

Committee on the Judiciary: Subcommittee on the Constitution held a hearing on legislative responses to school desegregation litigation. Testimony was heard from Representatives Lipinski and Hoke; and public witnesses.

DEFENSE AUTHORIZATION

Committee on National Security: Subcommittee on Military Installations and Facilities continued hearings on the fiscal year 1997 national defense authorization, with emphasis on the military construction request. Testimony was heard from Representatives Buyer, Bryant of Tennessee, Smith of New Jersey and Whitfield; and public witnesses.

DEFENSE AUTHORIZATION

Committee on National Security: Subcommittee on Military Procurement continued hearings on the fiscal year 1997 national defense authorization, with emphasis on the F–14 safety record. Testimony was heard from Representative Clement; the following officials of the Department of Defense: Gen. Harold Blot, USMC, Deputy Chief of Staff, Aviation, U.S. Marine Corps; and Adm. Jay Johnson, USN, Vice Chief of Naval Operations.

DEFENSE AUTHORIZATION

Committee on National Security: Subcommittee on Military Readiness continued hearings on the fiscal year 1997 national defense authorization, with emphasis on depot maintenance issues. Testimony was heard from David Warren, Director, Defense Management Issues, GAO; and John P. White. Deputy Secretary, Department of Defense.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, Forests and Lands held a hearing on the following bills: H.R. 639, West Virginia National Rivers Technical Amendments Act of 1995; H.R. 640, West Virginia National Rivers Boundary Modifications Act of 1995; H.R. 1825, to amend the Wild and Scenic Rivers Act to limit acquisition of land on the 39-mile headwaters segment of the Missouri River, Nebraska and South Dakota, designated as a recreational river, to acquisition from willing sellers; H.R. 2255, Lamprey Wild and Scenic River Act; and H.R. 2292, Hanford Reach Preservation Act. Testimony was heard from Representatives Johnson of South Dakota, Rahall, Hastings of Washington and Zeliff; Katherine H. Stevenson, Associate Director, Cultural Resources, National Park Service, Department of the Interior; and public witnesses.

OVERSIGHT—RESEARCH PROGRAMS—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

Committee on Science: Subcommittee on Technology held an oversight hearing to review Research Laboratory Programs at the National Institute of Standards and Technology, with emphasis on Technology Administration/National Institute of Standards Technology fiscal year 1997 authorization. Testimony was heard from Arati Prabhakar, Director, National Institute of Standards and Technology, Department of Commerce.

OVERSIGHT—AGENT ORANGE EXPOSURE

Committee on Veterans' Affairs: Subcommittee on Hospitals and Health Care held an oversight hearing concerning the results of the recent study by the Institute of Medicine on health effects in children of individuals exposed to Agent Orange in Vietnam. Testimony was heard from David Erickson, D.D.S., Chief, Birth Defects and Genetic Diseases Branch, National Center for Environmental Health, Centers for Disease Control, Department of Health and Human Services; Kenneth Kizer, M.D., Under Secretary, Health, Department of Veterans Affairs; and public witnesses.

HEALTH PROFESSIONS

Committee on Ways and Means: Subcommittee on Health held a hearing on New Health Professions and Graduate Medical Education Recommendations. Testimony was heard from public witnesses.

PDD–35

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on PDD–35. Testimony was heard from departmental witnesses.

Joint Meetings

COMPREHENSIVE TERRORISM PREVENTION

Conferees on Monday, April 15, agreed to file a conference report on the differences between the Senate-

and House-passed versions of S. 735, to prevent and punish acts of terrorism.

COMMITTEE MEETINGS FOR WEDNESDAY, APRIL 17, 1996

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations, Subcommittee on Interior, to hold hearings on proposed budget estimates for fiscal year 1997 for the Bureau of Indian Affairs/National Indian Gaming Commission, 9:30 a.m., SD–138.

Subcommittee on Defense, to hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Defense, focusing on Air Force programs, 10 a.m., SD–192.

Subcommittee on Treasury, Postal Service, and General Government, to hold hearings on proposed budget estimates for fiscal year 1997 for the Department of the Treasury, focusing on the Financial Crimes Enforcement Network, the Federal Law Enforcement Training Center, the Bureau of Alcohol, Tobacco and Firearms, the U.S. Customs Service, and the U.S. Secret Service, 2 p.m., SD–138.

Committee on Armed Services, Subcommittee on Readiness, to hold hearings on the privatization of Department of Defense depot maintenance and other commercial activities, 9:30 a.m., SR–222.

Committee on Banking, Housing, and Urban Affairs, business meeting, to consider a proposed resolution to authorize the Committee to conduct an investigation of Madison Guaranty Savings and Loan Association and related matters, amend the Committee's rules to facilitate the investigation and related public hearings, and to authorize the issuance of subpoenas, 9:30 a.m., SD–538.

Committee on Energy and Natural Resources, Subcommittee on Parks, Historic Preservation and Recreation, to hold hearings on S. 695, to provide for the establishment of the Tallgrass Prairie National Preserve in Kansas, and S. 1476, to establish the Boston Harbor Islands National Recreation Area, 9:30 a.m., SD–366.

Committee on the Judiciary, Subcommittee on Administrative Oversight and the Courts, business meeting, to mark up S. 984, to protect the fundamental right of a parent to direct the upbringing of a child, 2 p.m., SD–226.

Committee on Labor and Human Resources, business meeting, to mark up S. 969, to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, S. 295, to permit labor management cooperative efforts that improve America's economic competitiveness to continue to thrive, and S. 1643, to authorize appropriations for fiscal years 1997 through 2001 for the Older Americans Act of 1965, and to consider pending nominations, 9:45 a.m., SD–430.

Committee on Rules and Administration, to resume hearings on proposals to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, to limit contributions by multicandidate political committees, and to reform the financing of Federal elections and Senate campaigns, 10 a.m., SR–301.

Committee on Indian Affairs, to hold hearings on proposed legislation authorizing funds for fiscal year 1997 for Indian programs, and to examine related budgetary issues from fiscal year 1996, 1:30 p.m., SR–485.

Select Committee on Intelligence, to hold closed hearings on intelligence matters, 2 p.m., SH–219.

House

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Congressional and public witnesses, 1 p.m., 2362A Rayburn.

Subcommittee on Commerce, Justice, State and the Judiciary, on Legal Services Corporation, 10 a.m., and on public witnesses, 2 p.m., H–310 Capitol.

Subcommittee on Interior, on Members of Congress, 10 a.m., and 1:30 p.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, and Education, on Postsecondary Education, 10 a.m., and on Educational Research and Improvement and Libraries, and on Vocational and Adult Education, 1:30 p.m., 2358 Rayburn.

Subcommittee on National Security, on Ballistic Missile Defense, 10 a.m., 2212 Rayburn.

Subcommittee on Treasury, Postal Service and General Government, on Anti-Drug Strategies, 2 p.m., and Customs Drug Interdiction, 3 p.m., 2360 Rayburn.

Subommittee on Veterans Affairs, Housing and Urban Development and Independent Agencies, on EPA, 9 a.m., 2360 Rayburn and 1:30 p.m., H–143 Capitol.

Committee on Banking and Financial Services, Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises, oversight hearing on the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac), 10 a.m., 2128 Rayburn.

Committee on the Budget, hearing on the Economic and Budget Outlook, 10 a.m., 210 Cannon.

Committee on Economic and Educational Opportunities, Subcommittee on Workforce Protections, to mark up H.R. 3234, Small Business OSHA Relief Act of 1996, 10:30 a.m., 2175 Rayburn.

Committee on International Relations, Subcommittee on Africa, hearing on Democratic Elections: Myth or Reality in Africa? 10 a.m., 2200 Rayburn.

Subcommittee on Asia and the Pacific, hearing on Security in Northeast Asia: From Okinawa to the DMZ, 1:30 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Construction, to mark up H.R. 3235, to amend the Ethics in Government Act of 1978, to extend the authorization of appropriations for the Office of Government Ethics for 3 years, 10 a.m., 2226 Rayburn.

Subcommittee on Crime, to mark up H.R. 2650, Mandatory Federal Prison Drug Treatment Act of 1995, 9:30 a.m., 2237 Rayburn.

Committee on Resources, oversight hearing on funding programs to protect Endangered Species, 11 a.m., 1324 Longworth.

Committee on Rules, to consider the Conference Report to accompany S. 735, Antiterrorism and Effective Death Penalty Act of 1996, 1 p.m., H–313 Capitol.

Committee on Science, Subcommittee on Energy and Environment, hearing on Department of Energy's Energy Efficiency and Renewable Energy and Fossil Energy Programs fiscal year 1997 budget authorization, 1 p.m., 2318 Rayburn.

Subcommittee on Space and Aeronautics, hearing on fiscal year 1997 NASA Authorization, 10 a.m., 2325 Rayburn.

Committee on Small Business, hearing on the Kemp Commission recommendations, 10:30 a.m., 2359 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Public Buildings and Economic Development, hearing on the payment of stipends to bidders relating to the construction of Federal buildings under the Public Buildings Act of 1959, 8:30 a.m., 2253 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Compensation, Pension, Insurance and Memorial Affairs, to mark up the following: H.R. 2843, Veterans' Insurance Reform Act of 1995; H.R. 2850, to amend title 38, United States Code, to clarify the eligibility of certain minors for burial in national cemeteries; H.R. 1483, to amend title 38, United States Code, to allow revision of veterans benefits decisions based on clear and unmistakable error; and H.R. 3248, Veterans' Programs Amendments of 1996, 9:30 a.m., 334 Cannon.

Permanent Select Committee on Intelligence, executive, hearing on Dissemination, 10 a.m., and, executive, a briefing on Update on North Korea, 3 p.m., H–405 Capitol.

Next Meeting of the SENATE

9:15 a.m., Wednesday, April 17

Senate Chamber

Program for Wednesday: After the recognition of three Senators for speeches and the transaction of any morning business (not to extend beyond 10 a.m.), Senate will resume consideration of the conference report on S. 735, Terrorism Prevention Act.

Senate will also vote on a motion to close further debate on the motion to proceed to consideration of S. Res. 227, relating to Whitewater Investigation Extension.

Next Meeting of the HOUSE OF REPRESENTATIVES

11 a.m., Wednesday, April 17

House Chamber

Program for Wednesday: Consideration of H.R. 842, Truth in Budgeting Act; and

Consideration of H.R. 3019, FY96 Omnibus Appropriations Conference Report.

Extensions of Remarks, as inserted in this issue

HOUSE

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